THE

HISTORY

Of the REIGNA

Queen ANNE,

Digested into

ANNALS

YEAR the THIRD.

CONTAINING,

The most Memorable Transactions both at Home and Abroad: In which are Inserted several Valuable Pieces, never before Printed.

LONDON:

Printed for A. Roper, at the Black Boy against St. Dunstan's Church in Fleetstreet, 1705. M. Musgrave!



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To the Right Honoutable

SIDNEY Lord Godolphin,

Lord High Treasurer of England; One of Her Majesties most Honourable Privy-Council; Lord Lieutenant of Cornwall; and Knight of the most Noble Order of the Garter.

My LORD,

Hatever Pretences other Authors may
use to Court the
Protection of Great Men, I
hope the Liberty of this Address will find an Excuse, in the
very Subject Matter of this Volume; which is design'd to Perpetuate the Memory of the
A 2 Won-

Wonderful Events, that have happen'd in the Third Year of Her Majesties Auspicious

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Reign.

The Universal Applause and Acknowledgments of the whole Empire, the United-Provinces, and the Representatives of this Nation, have set the Duke of Marlborough's Atchievements above the Commendation of any Private Writer; so that all a just Historian can do for His Grace, is, in the plainest Manner, to relate what he has Perform'd; which, even so related, will carry an Air of Fiction to Posterity: So much it transcends the Actions of the most Celebrated Captains. But, My Lord, it would be an unpardonable Fault in a faithful Annalist, not

not to tell the World, what a large Share your Lordship has in the Great Successes Abroad, by Your Wise Steddy Councils, and Provident Administration at Home.

The Marching an English Army to the Danube, to clear the Empire of its Foreign and Intestine Foes, as it was the Boldest, so it was the most Rational Design that could be pursued a Year ago, to Check the Invading Power of France; And as the Admirable Secrecy, Celerity, Courage and Conduct, with which that whole Enterprize was Executed, will certainly raise the Glory of Her Majesties Reign to a higher Pitch, than ever was attain'd to by any of Her Royal Predecesfors;

fors; and Immortalize the Duke of Marlborough's Fame, so it will be a never-dying Honour to the Name of Godolphin, that Your Lordship was one of the Persons, with whom that great Project was concerted, and that impenetrable Secret Entrusted. But that the Nerve of the War did never slacken, during that Long and Glorious Campaign; That the Soldier receiv'd his Constant Pay, in those remote, indigent Countries, where Armies are sooner raised, than Moneys to subfift them, is a particular Debt which England, and, indeed, all Europe, owes to Your Lordship's Frugal and Prudent Management of Her Majesties Treasury.

That

That Your LORDSHIP may long Continue to have a Share in the Successes and Prosperities of Her Majesties Reign, is the most ardent Wish of,

My LORD,
Your LORDSHIP's,
Most Humble, most Faithful,
And most Obedient Servant, &c.

April 23d.

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Advertisement.

I Shall not Endeavour, by a Pompous Preface, to raise the Expectation of the Readers, which is already so heighten'd by the many Glorious Events that have happen'd in the Third Tear of Her Majesties Reign, that, I cannot but fear, they will find themselves disappointed in the Perusal of these Sheets. I may justly alledge on this Occasion, That Plenty made me Poor: But that Excuse not being like to be accepted, all I can say for my self is, That I have spared neither Pains, Cost nor Industry, to be throughly informed, from the best Hands, both of the Great Actions perform'd Abroad, and of the Publick and Secret Transactions at Home. How I have managed those Various Matters in the Narration; and whether I have attain'd the Chief Perfections I pursue, viz. CANDOR and IMPARTIALITY, is wholly left to their Decision, who are Masters of those two Essential Qualifications, both of a Good Historian, and a Good Critick

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ANNALS

Queen Anne's Reign.

YEAR the THIRD.

TO T many Days after the Prorogation of the Parliament, there happen'd great * see the Changes in the Court and Ministry; some votes of the of which were not altogether unforeseen, House or unexpected. The Earl of Nottingham, though Commons, a zealous Defender of the Church of England's Cause, Dec. 17. and of the Rights and Prerogatives of the Crown; 1793. had yet the Misfortune (common to all great Men from That in eminent Posts) not to please every * Body. of these An-Many loud, ungracious Reflections had lately been nats, page made in the Two Houses, upon his Lordship's Con- 194, 245. duct; and though he was t honourably clear'd in the Earl of Both, yet it was thought convenient that he should Nottingbe removed; but in such a manner, as that no ham re-Mark of Disfavour should remain upon his Lord- signs his thip: Whereupon he voluntarily refign'd the place of Se-Seals.

William

State.

A. C.

1704.

Changes in

Court and Mini-

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The ANNALS of

William Blathwait, Efq; had for many Years enjoy'd the Office of Secretary of War, in which he 1704. had got a very confiderable Fortune: And though Mr. Blath no Complaint was made against his Conduct, yet her Majesty, as became a tender and prudent Com-Wait remov'dfrom mon Parent of her People, justly considering, that his Place beneficial Places ought not to be lodg'd too long in of Secreta- the same Persons, but like fattening and running ry at War, Streams, enrich several of her deserving Subjects; bestow'd on her Majesty, I say, having first declar'd her self well Mr. St. fatisfy'd with Mr. Blathwait's Services, thought fit John. to * bestow his Place on Henry St. John, Esq.; a Apr. 20. Gentleman of great Parts, who had made himfelf no less famous in the polite and learned World by his ingenious Composures, than by his Eloquent and Loyal Speeches in the House of Commons. About the same, time the Staff of Lord Chamberlain of †Apr. 23. her Majesty's Houshold, was † taken from the Earl of Jersey, as that of Comptroller was from Sir Edward Seymour; and the first bestow'd on the Earl of Kent. and the other on Thomas Mansel, Esq; The Reasons of which two Changes are too nice and intricate to be well related at present: And therefore I refer them The Earl to a more convenient Place and Time. Together of Kent with the Earl of Kent, and Mr. Mansel, Robert Harmade Lord ley, Esq; Speaker to the House of Commons, was Chamberfworn of her Majesty's Privy Council, and soon t lain; and after named to be one of her Majesty's Principal Se-Mr. Mancretaries of State; which choice was univerfally Apfel Compplauded: His Integrity; and found Moderate Prinroller of ciples recommending him no less to the People's Her Maje-Esteem, than his Loyalty, Penetration, Vigilance, fly's Houshold. and Indefatigablenels to Majesty's Favour. + May 16. About a Month before, an Express came * to Mr. Har-Whitehall from Commodore Butler, Captain of her Icy made Majesty's Ship the Worcester, dated in the Bay of Secretary Cherbourg the 8th of April, with an account, That of State Apr. 11 having received advice, that about 35 Sail were come Commodore out of St. Malo, he stood over with his own Ship, Butler de- and her Majesty's Ships the Dunwich and Maidstone, Itroys Jeto Cape Cartwright, and got fight of them: The veral Maidstone being foremost, chased 21 Sail of them in-French to Cherbourg, with two small Ships of War, their Ships. Convoys, one of 20, and the other of 22 Guns. Captain Butler then made a Signal to the Dunwich to

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Outen ANNE's Reign

stand into the Southward of Grandance Bay, and the A. C. Commodore himself stood into the North end of it, 1704and chased the French Commodore, a Ship of 22 Guns, and another French Frigat of 14, with 8 Sail. of Merchant Men, which were all destroyed, the Commodore, two more being burnt, and the rest sunk: And some Guerser Privateers who were with Commodore Bueler carried off two Prizes. Privateer of 8 Guns was taken afterwards by the Maidstone, between Moneville and Cherbourgh. Commodore Butler foon after took a small Ketch; and with her Majesty's Ships abovenamed came to Anchor before this last Place, and saw the 23 Sail beforemention'd hauled in close under the Castle.

The late Differences between the Lords and Com mons had raised fo great a Ferment in the Nation. that the Parliament had not been long Prorogued, before a Seditious Libel was printed and dispers'd Entitled. Legion's Humble Address to the Lords, which

was to this Purpose:

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0 d May it please your Lordships,

THE Distressed People of England, Betrayed and A seditions Abused by their Representatives, humbly fly Libelcall'd to Your Lordships as the Only Refuge now left Legions's them, next under God and Her Majesty, where dispers'd. they can Apply themselves for the Safety of their Liberties, and Redress of the Grievances of the Nation. And that Your Lordships, and all the World may know, that as it is not without great Reason that we come to Your Lordships from that House where all our Safety ought to Depend, and where formerly it did Depend: Accordingly we crave leave humbly to represent to Your Lordships, i. That there is a Duty incumbent on the People's Representatives, viz. The Care of the Liberties, Properties, and Peace of the Persons they Represent, which they have no Right to part with, or to Expose: And that therefore all the Powers and Rights of us the Represented, are not commit-ted to Them our Representers. That whenever a House of Commons shall Part, Expose, Neglect or Suffer to be Infringed, the Liberties, Rights, and Peace of the People they Represent, they betray their Trust, violate the general Reason and Nature

A. C. of their being cholen, their representing Power and 1704. Being ceales of course, and they become from that time forward a Mighty Conventicle, an Unlawful Affembly, and may, and ought to be deposed, and dismiss by the same Laws of Nature and Right that Oppressed Subjects may, and, had Ages, have, deposed Bloody and Tyrannick Princes. 3. It is the undoubted Right and Privilege of the People of England, that they are not bound to fubmit to any Power but what is Legal; and the known Laws of the Land are the stated Bounds of Parliamentary, as well as Regal Power: And the People therefore ought not to be Opprest. On the Breach of these Laws, and opprefling these People, Your Lordfhips Noble Ancestors have frequently taken Arms, and pull'd down bloody Tyrants, depoling their Power, and rescuing your Country from Slavery and Oppression: And having convey'd to Your Lordships, and us the People of England, the Right of being govern'd by known Laws; We have, till now, defended that Right to the Destruction of all those that ever attempted to Invade it; and, under Your Lordships Protection, still resolve to do so, to the last drop of our Blood. As it is the undoubted Right of the People of England, that they may not be opprest; so when at any time they fuffer'd the Invalion and Depredations of Tyrannick * Princes, contrary to that Right, they have always * made Legal Claim of their proper Rights and Privileges: And incannot be Just, that what our Kings have no Right to take away, our Representatives may give without Law; and that the People may endure the Tyranny of 500 Usurpers more than of one, fince no Number or Quality of Persons can make that lawful, which, in its own Nature, is not fo. These Things being undeniably True, we cannot without great Regret Apply our Selves to Your Lordships; and humbly Represent, in our own Names, and in the Names of all the good People of England:

T. 'That 'tis the undoubted Right of all the Burroughs, Cities, and Towns Corporate, who by Prescription, Charter, or other Right, are to chuse Representatives in Parliament, always to do fo, unless they are Legally divested of that Right: And that

that to deprive the Town of Madfione, for now A. C. two Sellions of Parliament, of their Privelege of 1704. fending two Members to Represent them, is Arbitrary and Illegal, comrary to the Privilege and Liberties of Englishmen, who can torfeit no Right, but by legal Conviction_Atrainder, or Act of Parliament: all a stommed andal to the House of

2. 'To Threw but, and Pur in Members of Parliament at Committees of Elections by Interest of Parties, and politive Vote, not prescribing that Vote by the true Merit of the Cafe, and plain Wajority of the Electors, is defroying the People's Right of Elections, and diverting the Towns of their Privileges, which by Law they ought to enjoy: And that to Vote in fuch Committees, that 16 Voices of Electors entitles any Person to be a Member of Parliament against 229 is partial, unjust, and destructive of the very Being of Parliaments, and the original Rights of the People of England; and has nevertheless been nororiously practifed of late in leveral other Elections, belides: those of Westbury and Sudbury. I have bus last and

For the House of Commons to invade the Nation's Judicature, and take from any Freeholder his Right of Action, where the Law gives him the Privilege to right himself, in case of Injury; is befraying the Trust reposed in them by the People of England, and exercifing the same arbitrary Power they are fent thither to suppress: And no illegal Proceedings of the late King James, for which the Commons of England deposed and dethron'd him, were more directly against the Constitution of the English Government, and the Rights and Liberties of the Subject not moved the ent to was sell no

4. 'To deprive any Freeholder of his Right in Election of Members to serve in Parliament; or to encourage others to do fo, as was practifed in the case of the Election at Aylesburg; is a manisest Invalion of those very Liberties, which it is the House of Commons Business to protect and defend. The manifest Distinction of all Votes in the House by Interest and Parties, and not by Merit and real Right, as 'tis too plain is now the Practice of that House; a large Number of Out-lying Members always being in the Speaker's Chamber, or in publick

A. C. 1704.

lick Houses near the House, ready to be call'd in by their Party when a Question is put, who having heard nothing of the Merit of the Cale, enquire not after the particulars, but how Sir John or Sir Thomas, or any Leading Man of the Party, Votes. This is a manifest Reproach to the Justice of the Nation, a Scandal to the House of Commons, a slight and neglect of the Trust reposed in them by the People, and betraying the Interest of the Nation. Voting the Profecution of some Persons, entrusted with the management of the Publick Revenue, but not of others, equally Guilty of Frauds and Ill Practices; is a great Defect of Justice, a Scandalous Partiality, and a Reproach on the Integrity as well as the Duty of the Commons. Refolving to Reassume the Grants of King William, on whatfoever merit or valuable Consideration they were made, and at the same time continue the Extravagant Dispositions of former Reigns, in which the stated Revenues of the Crown are alienated to Whores, Bastards and Papilts, and the Publick Enemies of the Nation, is a partial and malicious Proceeding, contriv'd to reflect upon his late Majesty, and lessen the value all True Englishmen have for his Memory: and thews the Degeneracy in the Principles of the present House of Commons, from those that joyned with that Glorious Monarch in the Redemption of this Nation from Slavery and Arbitrary Government.

8. Careffing the Queen's Majesty with the Title of a Queen, as fitting on the Throne of her Ancestors by Right of Succession from her Father, when at the same time they know her Majesty's Right depends upon the Validity of Parliament Limitation, and is built on the Foot of the late Revolution, and the Act of Settlement, is a Barbarous Treachery to the whole Nation, an insolent Affront to her Majesty, an Institution of the Title of the Pretended Prince of Wales, and a Villainous Attempt to destroy the present Settlement of Succession, and is consequently High

Treason by their own A& of Parliament.

o. That to Address her Majesty to extend her Prerogative, and thereby to embroil her Majesty with
the Privilege of the Peers; is the most aggravated
Piece of Treachery that ever House of Commons,
was, or ever can be Guilty of.

I. As

Queen ANNE's Reign.

proaching her with not knowing how to manage her Government

her Government.

2. As 'tis a maticious Delign on her Person, by persuading her to enter on that very thing, the experiment practice whereof was the Ruin and Destruction of her Father and Grandsather.

have no Power to Right to touch; excepting only when it encroaches upon, or infringes the People's just Liberties; and then no farther, than to cause it

to return to its proper Chanel.

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As 'tis a Notorious Discovery of a Treacherous Plot against the People of England, to bring the Prerogative of the Prince in Play, and prompt it forward, which has cost the Nation so much Blood and Treasure to Restrain.

As 'tis the most Unparallel'd, unpresidented Attempt upon the Liberties of the People, who sent them there to protect, settle and defend them, whose Servants they are, and whose Rights and Liberties they cannot expose without the most detestable Persidity, and degenerating from all the Members

that ever fat within those Walls before them.

6. As 'tis a terrible Precedent for future Ages, when some Prince of less Honesty may fit on the Throne, who may be with more ease persuaded by a Bias'd and Corrupted House of Commons, to become Tyrants and Advancers of the Prerogative. This being the distressed condition of the Liberties of the Free born People, now Given up, Deserted, and Expos'd by the House of Commons, whose proper Bulinels and Duty requires them more particularly to defend them; and your Lordships, like the true Posterity of those Noble Ancestors, at the Price of whose Blood we receiv'd our Privie leges and Liberties, having vigorously and glori-oully withstood the Treacherous and Unfaithful Proceedings of these our degenerated Representatives: We cannot, but with a deep Sense of Gratitude and Affection, present unto your Lordships, this our Humble Address, heartily acknowledging your Lordships Zeal, Courage and Fidelity, both in vindicating your own undoubted Rights, invaded by the same House of Commons; in your diligent

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A. C. 1704. Care for the Safety of her Majesty's Person, in fearthing after the deeply laid Contrivances of her Enemies in the late Plot; and vour Lordships Afterting the Liberty and Rights of the People of England, against the Invasion and Usurpation of the House of Commons: And as these three Heads, in which your Lordships have diffinguish d your felves, to the Immortal Glory of the English Nobility, do contain all the material Things which can make this Nation happy; so in your Lordships vigorous defending those three, we cannot but thankfully ac-knowledge your Lordships as the Sanctuary and Safety of this Nation, and the Glorious Inftruments of Preserving Her Majesty's Person, and our Just and Undoubted Liberties. And we cannot in Gratitude but affure your Lordships, That in the further Pursuit of these Just and Glorious Ends, We, the Injur'd Freeholders and Commons of England, will firmly Adhere to, and Faithfully Defend your Lordships, both in your Persons and Authority; We will Maintain Your Lordships in all Your Just and Legal Privileges, and in all the due Measures you have already taken, or shall further take, in the Defence and Vindication of Your Just Rights, Her Majesty's Person, and our own Liberties. In all which we humbly Affure Your Lordinips, that we Resolve, as one Man, to Live and Die with You:

Our Name is Million, and We are more.

The Justices of the Peace for Gloucestershire, assemble at the Quarter Sessions held for that County, had lamation ving represented to her Majesty the daugerous Conagainst the sequences of that Libel. Her Majesty, with Advice Author and of her Privy Council, caus'd a Proclamation to be *

Printer of published, for Discovering and Apprehending the that Libel. Author and Printer of that Seditious Paper; and proMay 25 missing a reward of 1001. for the Discovery of the first, and of 501. for the Seizing of the latter. Six

The Queen days after the Queen, with Her Royal Consort, went goes to from St. James's to Windsor, were they pass'd most Windsor part of the Summer Season.

May 31. The Lords having in their Address of the 31st of

Affairs of March, 1704. represented to the Queen, That Scotland.

Queen ANNES Reign. chere had been a dangerous Conspiracy carried on for the Raifing of Rebellion in Scotland, and Invading that Kingdom with a French Power, in order to the Subverting of her Majesty's Government, both in England and Scotland, and the bringing in the Pretended Prince of Wales; and, That nothing had given to much Encouragement to Her Majesty's Enemies at Home and abroad, to enter into this detestable Conspiracy, as that after Her Majesty, and Her Heirs, the immediate Succession to the Crown of Scotland, was not declared to be in the Princels Sophia. and her Heirs being Protestants; and most humbly belought her Majesty to use her Royal Endeavours, to have the Succession of the Crown of Scotland lettled accordingly: The Queen told their Lordships, That the had some time before, declared Her Intentions of Endocrousing the Settlement of the Protestant Succession in Scotland, to Her Servants of that Kingdom, as the must effectual Means for securing their Quiet, and that of England, and the readiest Way to an entire Union betwists both Kingdoms, in the perfecting of which it

was very definable no Time should be lost. Pursuant to changes this Gracious Declaration, the Queen and Her Coun, in the Miscil, resolved to use all proper Methods to procure nistry of the Settlement of the Protestant Succession to the Scotland. Crown of Scotland, in the ensuing Parliament of that

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Kingdom. For which purpose it was thought fit to make some changes in the Ministry there. The Duke of Queensberry, Principal Secretary of State, a Person who had been higly Instrumental in the late happy Revolution, and served King William, and her Present Majesty, with distingush'd Loyalty, Faithfulness and Integrity, had nevertheless the missortune to be brought under Obloquy, only by being over zealous, in maintaining the Establish'd Government, and in Encouraging the Detection of Her Majesty's Enemies: And great Endeavours were used by the Anti-Revolutioners to asperse both him, and the Marquis of Annandale, Lord President of Her Majesty's Privy Council, for endavouring to bribe one

Baillie, to depose against the Duke of Hamilton, the Duke of Ashol, his Brother the Earl of Clomarty, and other noble Persons, as if they had been in a Plot against her Majesty. But the after a full Hearing of the whole matter before the Privy Council, Balize

was

was found Guilty of Defamation; declared infamous, 1704! banished the Kingdom for Life, and sentenc'd to frand in the Pillory; yet it was thought convenient to remove the Duke of Queensberry, and to prefer the Earl of Clomarty to his place of Principal Secretary of State: By which change, those who had opposed the Sertlement of the Hannover Succession, in the late Session of Parliament, were suppos'd to be engag'd to promote it in the ensuing Session. About the same time, Sir David Nairn was laid afide as Deputy Secretary, and was fucceeded by Mr. Alexander Weddenburn Mr. Phillipaugh was removed from the Office of Clerk Register, a Post of great Dignity, and Trust, which was bestow'd on James Johnstone, Esq; a Person, who had eminently promoted the late Revolution, and was sometime Secretary of State for Scotland in King William's Reign; And not long after, the Marquis of Tweddale was nam'd to be her Majesty's High Commissioner.

The Parliament of Scotland moets.

On the 6th of July the Parliament met at Edinburgh, and her Majesty's Commission to the Marquis of Tweddale, for Representing her Royal Person in this Session, was Read, and ordered to be Recorded. Five t July 11 days 7 after, the Parliament being met again, the

Lord High Commissioner presented them the tollowing Letter from Her Majesty.

ANNE R.

The Queen's Letter to

My Lords and Genelemen 101 Vigit need hall of Othing has troubled Us more fince our Accef-fion to the Crowns of these Realms, than the the Parlia-c unfertled State of Affairs in that Our Antient King-

dom.

'We hop'd, that the Foundations of Differences and Animolities, that to Our great Regret we discovered among you, did not lie so deep, but that by the methods we have proceeded in, they might have been removed.

But instead of Success in Our Endeavours, the Rent is become wider; Nay, Divisions have proceeded to fuch a Heigth, as to prove Matter of

Encouragement to Our Enemies beyond Sea, to employ their Emissaries among you, in order to Debauch Our good Subjects from their Allegiance,

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Queen ANNE's Reign.

and to render that Our Antient Kingdom, a Scene A. C. of Blood and Diforder (meerly as they speak) to

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But We are willing to hope, that none of Our Subjects, but fuch as were Obnoxious to the Laws for their Crimes, or Men of low and desperate Fortunes, or that are otherwife Unconsiderable. have given Ear to fuch pernicious Contrivances. And We have no reason to doubt of the Assurances given Us by those now Entrulted with Our Authority, that they will use their utmost Endeavours to Convince our People of the Advantage and Neceility of the present Measures; for We have al-was been enclined to Believe, That the late Mistakes did not proceed from any want of Duty and Respect to Us, but only from different Opinions as to measures of Government.

This being the Case, We are resolved, for the full Contentment and Satisfaction of Our People, to grant whatever can, in reason, be Demanded, for rectifying of Abuses, and quieting the Minds of all

Our good Subjects.
In order to this, We have named the Marquis of Tweddale, Our Commissioner, he being a Person of whose Capacity and Probity, or Qualifications and Dispositions to Serve Us and the Country, neither We nor you can have any doubt. And We have fully Empowered him to give you unquestionable Proofs of Our Resolution to maintain the Government both in Church and State, as by Law Establish'd, in that Our Kingdom: And to consent to fuch Laws, as shall be found wanting for the further Security of both, and preventing all Encroachments on the fame for the future

'Thus, having done Our Part, We are perswaded that you will not fail to do yours, but will lay hold on this Opportunity to shew to the World the Sincerity of the Professions made to Us, and that it was the True Love of your Country, and the Sense of your Duty to it, and therefore not the want of Duty to Us, for We shall always reckon these two inconfistent, that was at the bottom of the late Missin-

deritandings.

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1704-

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A. G. 1704 The main Thing that We Recommend to you, and which We Recommend to you with all the Ear nestness We are capable of, is, The Settling of the Succession in the Protestant Line, as that which is absolutely necessary for your own Peace and Happiness.

ness, as well as Our Quiet and Security in all Our Dominions, and for the Reputation of Our Affairs Abroad; and confequently, for the strengthning the

Protestant Interest every where.

This has been our fixed Judgment and Resolution on ever fince We came to the Crown; And the hitherto Opportunities have not answer'd Our Intentions, Matters are now come to that Pass, by the undoubted Evidence of the Designs of our Enemies, that a longer Delay of settling the Succession in the Protestant Line, may have very dangerous Consequences; and a Disappointment of it would it infallibly make that our Kingdom the Seat of War, and and expose it to Devastation and Ruin.

As to Terms and Conditions of Government, with regard to the Successor, We have Impowered our Commissioner to give the Royal Assent to whatever can in reason be Demanded, and is in Our Power to Grant, for securing the Sovereignty and Liberties

of that our Ancient Kingdom:

We are now in a War, which makes it necessary to provide for the defence of the Kingdom, the Time of the Funds that were lately given for maintenance of the Land Forces being expired, and the said Funds exhausted, Provision ought also to be made for supplying the Magazines with Arms and Ammunition, and repairing the Forts and Castles, and for the charge of the Frigats, that prove so useful for guarding the Coasts.

We earnestly Recommend to you, whatever may contribute to the Advancement of true Piety, and the Discouragement of Vice and Immorality; and we doubt not but you will take Care to encourage Trade, and to Improve the Product and Manufactories of the Nation: In all which, and every thing else that can be for the Good and Happiness fo Our People, you shall have our hearty and ready Concurrence: We shall only add, That Unanimity and Moderation in all your Proceedings, will be

Queen ANNE's Reign.

of great use for bringing to a happy Issue the im- A. C. portant Affairs that We have laid before you, and 1704. will also be most acceptable to Us: So we bid you heartily farewel.

Given at Our Court at Windsor-Castle, the 25th Day of June, 1704. And of our Reign the Third Year !

After the Reading of this Letter, Her Majesty's High Commissioner made the following Speech.

My Lords and Gentlemen,

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VO U have heard the Queen's Gracious Letter; The High 'Her Majesty therein expresses such a Concern Commission for the Good and Welfare of this Nation, and gives ner's such unquestionable Proofs of it, as prevents even Speech. your Wishes. I do not in the least doubt, but when you duly consider the Import of this Letter, you will be all of the same mind with me; that it is now in our Power to make our felves, and our Posterity. happy.

Such, indeed, are Her Majesty's Gracious Condescensions, that in order to obtain what is for our Good, we need only propose it, provided you do it, as no doubt you will, with the Regard and Deference that are due to fo Gracious a Sovereign, and that in your Demands, you keep within just and reasonable Bounds, and ask nothing but what is in

her Majesty's Power to grant.

'If there be any thing yet wanting for the better fecuring our Religion, and the present Church Government, as now by Law Established, or for the suppressing of Vice, and encouraging of Virtue; if any Grievances to be redrelled, and new Laws found necessary, as I doubt not but there will; for rectifying of Abuses crept into your Constitution, or Administration of the Government, or any part of it, whether it be the Policy, or Justice, or for removing all Encroachments upon the Soveraignty, or Liberties of this Nation, and the Securing and Preferving these entire, and inviolable to our selves and our Potterity: I am fully Empowered and Instructed not only in all these matters, to give you what rea-

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fonable Satisfaction you can demand; but likewise in any thing may be proposed for improving of Learning, the advancing of Trade, and encouraging Manufactories: So that in effect nothing hath escap'd her Majesty's Care, that can any ways contribute to make you a Flourishing and Happy People, she reckoning the Welfare, Peace and Prosperity of her Subjects, the only way to her own

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Greatness and Happiness.

And yet as if all this were too little, her Majesty extends her Care for you further, in recommend. ing to you, as you have heard, the lettling the Suc. cession in the Protestant Line; and this her Majesty recommends to you with all the Earnestness She is capable of, as that which is absolutely neceflary for fecuring to your felves, and transmitting to your Posterity, your Religion and Liberties, or whatever else you have, or can have that is valuable. Sure her Majesty can have no concern in this, but the Interest of her People, which does fo evidently require the fettling of the Succession. and the settling of it at this time, that I hope no true Protestant, and Lover of his Country, will, when he hath seriously thought on it, find just Ground to oppole it.

Her Majesty having thus done her Part, and in a manner so Good and Generous, and evidently distinterested, it remains that we fail not to do ours, by letting go this great Opportunity (which if now lost, may possibly never be recovered) to deliver this Nation from the Inconveniences and Harships that it hath lain under ever since the Union

of the Crowns, and which of late have grown heavier upon it.

Her Majesty hath also recommended to you the Supplies that are wanting for the Purposes mentioned in her Letter, which I need not repeat; for sure there are none here, who are not convinced of the Necessity of them, and who will not heartily concur in giving of them, notwithstanding the low Circumstances the Country is in at present; especially seeing her Majesty allows you to enquire into the Misapplications of former Funds given and appropriated by Parliament, and to take such Course as may prevent the like for the suture.

Queen ANNE's Reign.

One thing more I have to add, and that is concerning the Business of the Plot, of which so great Noise hath been made in our Neighbour Nation. Her Majesty hath allowed me to acquaint you, That in due time the whole matter shall be laid before you, and that She hath given the necessary Orders for having both the Persons that have been examined in England, and the Papers that relate to that affair, fent hither. Her Majesty doubts not but your Inquiries into this Plot, or any other Practices of the like Nature, will end in your laying down folid measures for preventing of them, or the fatal Consequences of them in time to come; and as to any Questions or Contests that may arise upon such inquiries amongst you; her Majesty hopes, that you will manage them with all the Temper and Moderation that the nature of the thing will allow:

My Lords and Gentlemen,

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I have spoke long, contrary to my Way and Inclination, and therefore I shall only add in a Word as to my self, I am very sensible of my unstress for so great a Trust; but since such is her Majesty's Pleasure, I'll do my best, and I shall esteem my self very happy, if I can any ways contribute to bring Matters to a Settlement in this Nation. It is a great Encouragement to me, I must own it, that the present Opportunity, in a manner, enables me to give at the same time, the greatest Proofs that I can ever hope to give of my Duty to her Majesty, my Love to my Country, and my Respect to Parliaments, in particular to this honourable Meeting.

The High-Commissioner having ended his Speech, the Earl of Scaffeld, Lord High-Chancellor, spoke to the Parliament to this purpose:

My Lords and Gentlemen,

YOU have heard her Majesty's most gracious The Lord Letter, and what his Grace my Lord Com-High-missioner hath been pleased to add; which do fully Chancellay before you the weighty and great Reasons for lor's Speechs which her Majesty hath called you together at this time; and you must all be convinced, that the chief Design

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Deligh of her Majesty's Government, is to advance the Happiness and Welfare of her People, and to protect them in the full Possession and Enjoyment

of their Religious and Civil Concerns.

Her Majesty doth, with a very tender and affe. ctionate Concern, lay before you the Danger of Divisions and Animosities; and Recommends to you, to employ your Thoughts for promoting what is for the Security and Advantage of the Kingdom: And you cannot but be sensible, that our Divisions must encourage our Enemies Abroad, to form De. figns to disturb the Peace and Tranquility we now Enjoy; and therefore ye will, no doubt, make use of this Opportunity to convince all, that this Nation is fixt and firm in their Loyalty to her Majesty; and that all her good Subjects will constant-

ly support her Government. Her Majesty doth, with great Earnestness, recommend the Settling of the Succession in the Protestant Line, as what would be the surest Foundation for the Security of your Religion and Liberties, and will contribute greatly to the Advancement of the Protestant Interest every where; and this being of so great Consequence, it is not to be doubted, but that you will think this the fit Opportunity for taking it under your Confideration, while we have the Advantage of being convened in Peace under her Majesty's Protection, and can deliberately consider what is the most probable Means for the future, to fecure and preferve all that is valuable to us: And for your further Encouragement, you have heard how her Majelty hath given full Instructions to her Commissioner to grant such Conditions of Government, with regard to the Successor, as can reasonably be demanded, for securing of the Sovereignty and Liberties of this Kingdom; so that nothing is wanting on her Ma

and Security of this Nation.. You know that her Majesty is engaged in a most just and necessary War, for the defence of the Li-berties of Europe; which makes it necessary that Supplies be given for maintaining the Forces, for repairing the Forts and Garrisons, for providing the Magazines with Arms and Ammunition, and for

jetty's Part, that is necessary for the Establishment

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'maintaining the Frigats which have proved so use-A. C. ful for the guarding of your Trade; All these being plainly needful, it is not to be doubted, but that you will readily comply therewith. It is to be Regrated, that the Nation is in so low a Condition; but what we give is necessary for our own Defence, and will circulate within the Kingdom: And her Majesty doth freely allow of taking Inspection of the Funds that have been given by Parliament, and appropriate for the publick Use, and will take care, that what shall be now given, shall be duly applied.

'her Majesty hath given frequent Assurances of her Resolution to maintain the establish'd Government of the Church, and hath recommended to you to fall upon essectual Means for discouraging of Vice and Immorality, and for encouraging true Piety and Religion, and providing for, and em-

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he for in'The Trade of the Kingdom doth also deserve your serious Consideration; for the Advancement of which, and the Improvement of the Product and Manusactories of the Kingdom, her Majesty gives

you Affurance of her ready Concurrence.

'My Lord Commissioner has acquain

My Lord Commissioner has acquainted you, That the Plot, which has made so great a Noise here, and in our Neighbour Nation, shall be laid before you, with all its Evidences, and it is not to be doubted, but that you will take care to do therein what is necessary for the discouraging of bad Practices, which may tend to disturb the Peace and Quiet of this Kingdom; and in all your Proceedings in this Matter, that you will avoid Animosities, and make it your principal Care to provide for the publick Security and Peace.

My Lords and Gentlemen,

'I shall conclude with recommending to you again the serious Consideration of what her Majesty has so earnestly recommended; and that ye will improve this Opportunity, which GOD hath given you, for securing to your selves, and transmitting to your Posterity your Religion and Liberties; which will certainly be for your Honour and Happiness,

A. C. 'and will render you equally acceptable to her Ma-1704. 'jesty, and to all her Subjects.

After this, the Earl of Clomarty, Lord Secretary, made the following Ambiguous Speech:

My Lord Chancellor,

A Lbeit this Seat wherein it has pleased her Ma-jesty to Place me, does allow, or rather ob-The Earl of C Clomarty's Speech. lige, me to fay something on this Occasion, yet my 'Lord High Commissioner, and Lord Chancellor, ' have said so fully, and so well, as I may justly fear ' what I can say, will prove a Diminutive Adjection; 'But I shall speak little, and (if I can remember) 'I shall not repeat. My Lord, should all her Ser-' vants be filent, the Actings, the Sayings, the whole 'Tract of her Majesty's Government, and the hapby Effectsthereof do speak loudly, that if ever Prince or Sovereign have devoted themselves to God, and their, Country, without Flattery or Hyperbole, ' we may truly fay, that our most Gracious Queen 'hath; All may hear, and those who have the Ho-' nour to attend her Majesty, must see, that her 'Time, her Care, her Pleasure, her Leisure, her 'Treasure, yea, her very Health and Life, are Sa-'crificed every day, and almost every time of the ' day, to actual exercise of Devotion to God, or Ad-'ministration of Government to her People; and we may blefs God, that by his Bleffing on her En-' deavours, all, and every one of her Subjects, do par-'ticipate of the Fruits of the Royal Sacrifice; Nay, and all the best part of Europe, beside that is her 'Majesty's Confederates, and her and their Enemies 'do find with Grief what we feel with Satisfaction: And though her Majesty has many Dominions un-

> 'we partake in our full Capacity of these happy Effects. We are with many others engaged in a great, but (to full Conviction) necessary War, the Effects whereof are dreadful and hurtful, not only in

der her Royal Care, and more Confederates; yet

' She omits not any of our particular Concerns; and

Expence and Soldiers. (which all must afford) but the seeing of People slaughtered like Beasts in our

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Streets and Houses, to see our Towns on Fire, our A Women ravished, our sacred Things prophaned, I and many other dismal Effects of War and Rapine, which, almost, all others seel and see; We (thanks to God, and under him to his Vicegerent our Queen) do only hear of these Things; My Lord Chancellor, this we ought, and I doubt not we do remember and consider. My Lord, This is not offered as an Elogy, and Panegyrick on her Majesty, She is far above what I can say, but it is an Antecedent to the following Subsumption.

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And as this of her Care of us, and Zeal for us, is evident, so it is no less true, that the Queen sits higher than we do, or ought to do on this Throne. as the does also on the Throne of her other Dominions: And farther, we know, that She is one of the Heads, and highly fituate, in all the great Confederacy; whereof her Majesty is, if not the Chief. yet a Principal, and from this both Reason and Discretion oblige us to conclude, that she must see very much farther, and more clearly into the Actions, Designs and Practices of her and our Enemies, and in the Concerns, and in what directs and moves our Allies, than is possible for us to do; who both stand lower, and are bounded in our narrow Spheres: Therefore, as in all Matters, so especially in Points of Fact, we are bound to rely on her Information, and her Judgment, more than on our

Her Majesty's Royal Letter, my Lord Commissioner his Grace, and my Lord Chancellor, have plainly laid before us Matters of great Importance: Her Majesty is very express in what she proposes; her Reason and Antecedent is as plain, and express as the Conclusion. I hope the two Motives I gave for believing, and consequently for obeying her Majesty, are also plain and concluding.

own, fince what we can but Conjecture, is obvi-

ous to her certain Knowledge; and if we should fall (as I confidently hope we will not) into the Indis-

cretion, to oppose our Conjectures to her Know-

ledge, that could not miss of dire Estects, and readi-

'My Lord Chancellor, the Honour of being Her Majesty's Secretary, obliges me to obviate and remove an Aspersion on the Queen's Majesty's Can-

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A. C. dor and Honour (if any fuch Infinuation be made) 'which is, that some would perswade others to be-'lieve, that the Queen has a secret Will in the Affair now before us, contrary to her express Will re-'vealed and declared by her in her Royal Letter. 'My Lord, I am perswaded she does hate that Po-'sition in Theology, and I am certain she does so in her Politicks: and the Reason of my certainty in ' this is, that her Majesty did command me, and, I think, her other Servants, expresly to affure this 'House, that nothing in her Service could please her better, than if they should believe and obey her

in what she proposes in her Letter, and nothing can displease her more than to do otherways.

My Lord, both old Custom, and good Manners oblige us to begin with her Majesty's Letter, and in its method; if my Zeal and Duty on this Subject have drawn me in to speak more than I intended, or, perhaps, needed, I beg the House's Pardon; but fince my hand is in, and that I neither use nor love to speak oft, I shall only add my earnest and hum ble Wish for these two Things; 1. That the Or ders of the House may be strictly observed; for by that much time will be faved, and many Inconve niencies prevented; and the not doing of this, will differace this great Court. The second is, that we may redargue one another with Kindness and Ci 'vility; let our Force fall on the Subject which we oppugn, or the measure which we reject, and by no means on one another's Persons. Would to God we were always unanimous; but that seldom if ever, was in so numerous a Court or Council But when we differ, will we argue the better by ou being angry? No, Impedit Ira Animum. Will w convert others to well, by making them angry, by a meek Calmness in arguing? Does Spite ad Force to Reason; or does it produce that Consen which we endeavour to obtain? So for our ow ' fakes, and for the Honour of our Reasonings, let u urge and reply with Calmness. I have oft regrate to see good Reasoning lost, or at least ineffectual great measure, by the Hears in Arguing; and I wi fay, it were a Pity; for the Members of great Cour elsewhere may, in the Opinion of many, spea better Language than these of this do; yet they

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not speak better Sense. And besides these Motives A. C. to calm reasoning, this ought to determine us all against it, to wit, that neither our Heat, nor our Self pleafing Arguments, are, what will determine any Debate. The Law of Order, the Constitutions, Statutes and Necessity, gives the Faculty of Concluding to the whole of this House; and all we can fay must be submitted to what this whole House will approve, or to what the major part will agree in: And therefore, much reasoning, and all Heats, will, on many accounts, be profitably forborn. conclude with this Affertion, which I think evident without Discourse, That as the Union of Britain is apparently its greatest Politick Good; so, as certainly, and by the intallible Rule of Contraries, a Division of Britain is its greatest Evil: And then, it is a necessary Corollary: Whoever is not for the Union of Britain, may be concluded an Enemy

These Speeches being over, M. Seaton, Jun. of Pitmedden, gave in an Overture by way of a Resolve, to this Effect: 'That the House would stand by and defend her Majesty's Person and Government, without Naming a Succeffor to the Crown of Scotland, Proceedings during this Session of Parliament, but would agree and Deon such Conditions of Government, to take Effect bates about atter her Majesty's Death, as might best conduce the Sucto free that Kingdom from all English Influence, to cession. the end the Scots might be in a Condition to Treat with England, about a Federal Union. Nothing was done in this Resolve on that Day; but two Days after the Duke of Hamilton propos'd another much of the same Importance, to wit, Not to name the Succeffor till the Scots have a previous Treaty with England, for Regulating their Commerce, and other Concerns with England. On the Seventeenth † of the same Month, † July 17. came on the Debate about the Duke of Hamilton's Resolve, at which time the Earl of Rothess presented another, which was as follows: Refolv'd, That this Parliament will immediately proceed to make Juch Limiations and Conditions of Government for the Ratification of our Constitution, as may secure the Religion, Liberty and Independency of this Nation, before they proceed to the Said Nomination; and that afterwards they should

take the Duke of Hamilton's Resolve into Consideration.

This

A. C. This occasioned long and warm Debates, and among 1704. many other Speeches, the two following were made, to urge the necessity of settling the Succession.

My Lord Chancellor,

have given us a new light, and have let us into the knowledge of Men and Things. The Act of Security was what we staid upon very long last Sessions: I was for it as much as any Man, but my Mind as well as Judgment is alter'd, and I am now well assured I was in the wrong. For it her Majesty could have pass'd it into a Law, it would have done her nor us no manner of service, because it less the Succession loose during her Majesty's Life time; which Omission alone may undo her (whom

God preserve) and us.

We were not aware of the deep Defigns of some who pretended only the Good of the Kingdom, a 'specious pretext to keep this Nation free, and as a by-weight to throw into Ballance upon occasion, for a help to fway with those of our Neighbours, who may be so wickedly and traiteroully inclin'd, as to wish and act for the Pretended Prince at St. Germains, I mean for France, against the rightful and lawful Title of her Majesty, and the Succession of her English Crown, so well establish'd by the Laws of that Kingdom. I hope, my Lord, the Wildom of this Houle will take care to disappoint the Men of fuch pernicious and dangerous Deligns. have been, and are still Achitophels; but God hath turn'd their Counsels into Folly: A Trick will ferve but for one Turn, amongst Men of common fense.

We ought to be very thankful to God, and the Queen, that things have been let before our eyes of late in a clear light; and some amongst us ought to bless Both, that they for their Contrivances were not brought within the Verge of the Law, and made an example and terror to others, that none may venture on the like wicked Practices against our Sovereign, and the Peace of her Government. These Men's Actions are known, and all their Words are carried by the Birds of the Air to her Majesty's Ears.

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I beg leave, my Lord, to presume that there are Few in this House but are well acquainted with the History of Peter Warbeck (alias Perkin) in our K. James IV's time. He was bred and nurs'd up with a delign to dethrone Henry VII. by Margaret Dutchels of Burgundy and Flanders, as a fit Tool to latisty her revengful Temper; and the' she knew him to be only the Son of a poor Man at Tournay, the gave him the Name and Title of Duke of York, and true and lineal Heir of her deceas'd Brother Edward, late King of England. She equipt him, and gave him Ships, Men and Money, and feat him into Ireland, where a Rebellion was rais'd, as well as in England, by him, and his Adherents: He fail'd in the Expe-The French King, Charles VIII. found him a fit Instrument to serve a Turn for him also; wherefore he entertain'd him as the Prince of England, and he, with the Dutchess of Flanders, equipthim out a lecond time: but finding difficulties, at last he came here to our K. James IV. The story of this Knight Errant had justly given our King and Court grounds to believe him a notorious Impostor. Upon this pretended Prince's Address to the King for some Aid, his Majelty wilely call'd his Council, and ask'd their advice whatto do on the Subject; Buchanan informs you, Cum Sententia rogarentur, prudentiores & quibus major erat rerum usus, Rem integram reponendam censebant.

Here, my Lord, the old wise Men of experience in Council were of opinion, that it was not fit for his Majesty to receive or entertain this pretended Prince, who they wisely believ'd to be a Fourb, and who had given great trouble to this Island, and was

like to give much more,

But when the question came to the young Nobility of the Council, the same Author says, they were the Majority, and carry'd it in sayour of Perkin: At major pars, vel ob Pueritiam rerum, Sanimorum Inconstantiam, Sc. fortunam hominis commiserabantur: The young Counsellors, either for want of Experience, or for want of Steddiness of Mind, were more easily caught. They were more in number, and had a Compassion for the young Stranger. They were told he was like the late King Edward,

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his pretended Father, and the Family of York, tho' A. C. 1794

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they never had feen any of them.

'Here the Cheat went on; he had the Entertainment of a Prince, he had a Wife out of one of our noble Families he had an Army rais'd in his favour. and led into England by our young King, and after much Blood and Treasure spent on this pretended Prince, the Cheat was discover'd; he was sent away out of our Country, and some time after had the Reward of Villany.

My Lord, this Act of inconsiderate Hospitality to one who was but a Cheat, gave first ground to the World abroad to call our Judgment into question; and no body will read the History, but will conclude, that our Predeceffors were extreamly 'impos'd on, and that the Impostor might have caused the utter Ruin of their Liberties and Country.

My Lord, the same Game is playing now. Perhaps, some have never read the History, and o-thers have forgot it. No wonder, it happened 200 years ago; But we cannot forget what happened 16 years ago; when no Male Issue was like to succeed K. James VII. one was to be found viis & modis, per fas aut nefas: One at last was said to be born at St James's, June 1688. That Child died soon after, a second was put in his place, and carried to and nurs'd up at Richmond; but God thought fit to kill that fecond Child also.

Now, my Lord, this pretended Prince of Wales is a third Child, in whose Veins there is not a drop

of Royal Blood.

Here is a new Perkin come into the World 200 years after the first, who was fent to ruin England and Ireland, only to fatisfy the violent malice of a revengeful Woman.

'This second pretended Prince is nurs'd up by Rome, France, and Armies of implacable revengeful

Priests who give him the Title of King.

'For what? To the end that he may prove a more 'fit Instrument, upon any occasion, to root out, and totally destroy us, and our Holy Religion, which they call Herefy.

'Some of us, my Lord, are no wifer than our Predecessors in this point: We give the Priests, and other

other Agents of France and Rome, leave to pervert our Understanding; we take such Impressions as remain: Young Men's minds are tender and soft, and retain the first Impressions long. Some of us have been in France not many years ago, and have seen this pretended Prince, and commend his Person and Parts, his Features, and Shapes, very like the Royal Family; tho' some of us never saw one of them, except our own Queen.

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'Thus young men are very apt to be led out of the way. I have known some by keeping bad Company did catch the French Disease; Modesty and Shame made them conceal it till it was too late, and then it cost them their Life. It is the case at prefent with some of us here, who have got the French Inclinations, more dangerous to this Nation than the Disease, and will not own it till it is too late, and then it may cost them their Lives, their Estates, with the ruin of their Posterity. Whatever young Men may do, my Lord, for want of better Information, yet it is strange, that Men of riper Age, Pretenders to Religion, to the Good and Interest of our Country, are faid to be tainted with the same Inclination to have France rule over us; of which Men there is a mighty Jealoufy: I will not believe them guilty, and at the same time I cannot answer for them; but let their Workstestify what they aim

We all talk loud of Love for our Country and Religion, but I presume to say, that the love of Mony and Self-Interest hath appear'd more our Study than any thing else.

What bad Practices hath not her Majesty by her great care found out? The Contrivers may cover their Designs the best way they please; but, my Lord, whoever waits or inclines for the Bondage and cruel Oppressions we in this Nation are so lately deliver'd from, be who they will, are, and may be found guilty of Crimes of a dangerous consequence, and of a transcendent nature, no less than the Subversion of the Government of this Kingdom, and the Alteration of the Protestant Religion; and this not upon a bare Information only; her Majesty knows their Converse; and their Actions speak as loud to all about them.

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A. C. 1704.

Such Practices are an Enemy to all Godlines. and Good Men; it is from fuch Proceedings that our Affembly is corrupted, and till this Fountain of Mischief is purg'd, we cannot expect to have any clear Channels; All here know what I mean.

These Crimes are various in their natures, heinous in their quality, and universal in their extent. If you examine them, my Lord, Theologically, as they stand in opposition to the Truth of God, they will be found to be against the Rules of Faith, against the Power of Godliness, and against the

means of Salvation.

If you examine them, morally, as they stand in opplition to the Light of Nature, to right Reaion, and the Principles of human Society, you'll then perceive Pride without any Moderation; fuch a Pride as that which exalts it felf, &c. Malice without any Provocation, Malice against Vertue, against Innocency, against Piery; Injustice without any means of Reftitution, even fuch Injustice as does rob the Innocent of their just Righs and unspotted

Reputation. new series If these men, my Lord, who set up for the Pretended P. of Wales, be examin'd by legal Rules in a civil way, as they stand in opposition to the publick Good, and to the Laws of the Land already in force; these men. I say, may be found to be Traitors against her Majesty's Crown, and Incendiaries against the Peace and Safety of this Kingdom, they may be found to be the highest, the boldest, and the most impudent Offenders that ever were; Betrayers both of the Queen, and her People, as well as of this Country, and our Religion. If any one here is fensibly pinch'd, let him consider whether or no he is guilty; if he is, let him fin no more, left a worse thing betal him.

'My Lord, I fee many here may remember, if they please, the frequent Tragedies were acted among us some 20 years ago. I am sure there are several of us, whose nearest Relations were Sacrihe'd to the Despotick and Arbitrary Will, and the revengeful Resentments of Popery, and its Principles; it was then that the Orders to profecute execute, to hang, draw and quarter, and to fhed the best Blood of this Nation without, nay, against

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ne an I see some here were banish'd, and sore'd to wander in Exile, and beg shelter from Foreign Princes,
whose Families were dispers'd and ruined, whose
Estates were torn in pieces, and given to Strangers,
Men of another Communion. Can these melancholy Resections be forgot so soon by our selves,
who were the Martyrs? A Spirit of Delusion seems
to cover the Eyes of our Understandings, till we
fall a second Sacrifice to the same bloody Act-

ors.

'I speak for, nor against no Party of Men; but, my Lord, it is high time for us to consider in cool Blood, how to barricado our selves against the Assaults of the Common Enemy, France and Popery; in order to which I have but two things to move, which are, That we may all here obey our Saviour's new Commandment, Love one another, and often repeat that excellent Prayer taught us by the same blessed Saviour; by doing whereof we shall be brought to forgive one another, as we desire God

This done, we shall be in better Circumstances to lay aside our Pride, our Passion, our Vain glory, and unrelenting Revenge, which alone belongs to God Almighty to repay; and shall be in a candition to serve our Sovereign, in obedience to her just Commands, our Country, and People in their necessary Requests, and settle a Protestant Successor, while we have the Occasion and Power in our own hands: Accidents may happen, and put it out of our

way, ever to do it to our Advantage.

"Wherefore I move it may be consider'd and sinish'd, before this House proceed to any other Business.

The Second Speech ranthus.

My Lord Chancellor,

I Second the noble Member that spoke last, in his 'motion for settling the Succession, before the House proceeds to any other Business; but I do not pretend to give any Direction how the matter shall be done, let the Wisdom of this Honourable House

A. C. 1704 'consider with mature deliberation, what can pre-'serve us from Rome, and the French King; that her 'Majesty's Royal Person and Crown may be secure 'from all Invasions abroad, and Disturbances at home.

'My Lord Chancellor, her Majesty deserves all' the Returns of Loyalty and Duty that are in our power to make; I believe she hath given my Lord Commissioner such Instructions as may prove to our advantage, if they are duly put in execution. Complaints have been made by some, that they are not full for settling a Successor, I am morally sure, my Lord, the Complaint is ill grounded, which I hope his Grace will soon declare to this House, and satisfy all her good and loyal Subjects, how much she hath the Peace and Advantage of this her Antient

Kingdom in her Thoughts.

As hath been well observ'd just now, last Sessions many of us were missed; I own my mistake of Men and Things; we were going very fast into a Laby-rinth; our Leaders missinform'd us; the Nation now may see its Interest: Theoretical Schemes and Projects which can never be brought to practice, ought to be laid aside; they create much Debate, spend much Time, and can never be of use. My Lord, with submission, this Assembly ought to lay aside all frivolous Debates, that our Judgments may never be call'd in question elsewhere.

'I am for following the Advice just now mention'd: Let us forgive, and love one another; let us join Hearts and Hands to keep out the known Enemy of our Religion. If that Deceiver and Breaker of facred Vows and Treaties, made and sworn upon the Holy Gospel at the Altar, in the most solemn and most religious manner, shall by his Power and our mistaken management, put upon us that thing in the Air call'd the Prince of Wales, of no Birth, of no Blood, sprung from whom is unknown to himfelf as well as to us, we must beruin'd, my Lord, every Manhere who enjoyshis Effate, may know what he has to truft to; we all know who must come with him, the same Men and Principles who destroyed us twenty years ago. I humbly move, with submission, that we may pass by all the mutual vexatious Animolities which were amongst us but lately; all Parties have been to blame; God will

will pardon the Penitent; the Queen oversees, and graciously forgives; let us mutually do the same, and settle our Succession, and secure and help our selves, and God will help us: It will prove our own, and the People's safety,

Salus Populi Suprema Lex efto.

Let us follow the Example of our wife Neighbours, and make such Laws as may tie up the Hands, and terrify the Hearts of our own deprav'd Subjects, who dare offer to act or speak in favour of any, in prejudice of her Majesty's lawful and rightful Title to

her Crown and Diginty.

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'I am confident, my Lord, no Man here dares own his Inclinations to be for the French King, or that Pretended Prince, whatever Prospect he may have of Titles, Honours, or subordinate Power from him, who hath no bowels of Compassion lest, who consumes his own Vitals, by persecuting and tormenting his own best Subjects, and spares neither Sex nor Age in his neighbouring Country, even of his own missaken Religion; if they but result to be his Slaves; witness his new Conquests in Alface and Flanders. What then are we to expect, who by that Tyrant

are accounted Hereticks?

Whoever are so wicked amongst us, as to venture either to counsel, conduct or invite, whenever he comes (which God prevent) may expect the same fate. For my own part, my Lord, I have no personal prejudice against him, nor the Pretended Prince of Wales; but I here folemnly declare, that I will oppose him, or either of them, with all their Adherents, whilst there is a drop of Blood in my Veins; and I am morally fure of 100000 of the best Men in Brittain to accompany me in the Oppolition; and I am fure, my Lord, of this whole Nation in general to go along with me also; God be prais'd, we are Protestants, and of the Reformed Religion, for which I hope we 'shall ever be ready and willing upon any such occafion to facrifice our Lives and our Fortunes. To prevent all these impendent Evils, my Lord, let us set-'tle a Successor who is a known Protestant, and of our own Royal and Antient Race of Kings.

A. C. 1704. For an Argument of this, an Anonymous Author in his Remarks on the late Plot, gives some Reasons for ic, which for your Information I here presume to repeat: After he excuses two noble Dukes, he says. Tis bop'd this is sufficient to make it plain, that to insist on an Union and Communication of Trade at this time, would retard the Succession, which may be dangerous to our selves, and to the whole Protestant Interest all over Europe.

The danger to our selves is evident, from the Conspiracy that Fraiser and his Accomplices have been carrying on in the Highlands, and other parts of this Kingdom, the general Discontents which are in our Nation, &C. and

gives his Reasons, pag. 48.

He continues to tell you, That the Jacobites here, and their Rriends beyond Sea, make a great improvement of the delay of settling the Succession; they flatter them-selves, and impose upon the World, that it proceeds from the inclination of our People to the St. Germains Fami-

ty.

Then he goes on to tell you, my Lord, of our Divisions, which, says he, encourage the French to sollicit a Rebellion, and to attempt an Invasion, either of which effected, transforms our Country into a Field of Blood. And supposing (which God forbid) her Majesty should die whilst the Succession is unsettled, and our Country lying under these intestine Divisions, the Hannover and St. Germain Parties will certainly engage us in a Civil War: England and Ireland will assist the first, and France the other. This will make our Nation a Theatre of Woe and Calamity, and whoever hath the advantage in such a Case, we must be Slaves for ever.

Our Author, my Lord, concludes the Paragraph, and tells us in such Circumstances, That there will be no room for thoughts of insisting on Limitations, and bumbly conceives that what is said, is sufficient to shew the necessity of settling the Succession upon the foot of our old Constitution; that will be the only way to secure us against those dangers we are threatned with, from the Madness and Folly of both Parties, viz. Whig and

Tory.

'My Lord Chancellor, this Anonymous Author hath said very much in savour of the Rights and Privileges of this Kingdom in these Remarks, and other Books which I have seen; and in particular,

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A. C. 1704-

hath been at some pains to excuse some great Men, whose Works and Actions I would have rather to speak and plead for them, that we may see and know in good earnest in whose Company we are, and with whom we have to do: Yet I must say, the Author seems in earnest for settling the Succession.

"Tis certain, my Lord, whosver is for pressing a Union, or a Communication of Trade at this time, is diametrically against the settling the Succession; and if we do not perform this necessary point this Sessions, what Constructions will Men of unbials'd Principles, Men of the same Religion with our selves all the World over, put upon our management?

Will not the Majority of this Assembly be justly suspected, if the Succession be not settled this time? On this point depends the Security of all that is dear to us both Spiritual and Temporal, at home and abroad; and whoever is against it, without all manner of doubt, are Enemies at bottom to our Queen, to our Religion and Government, and to the People of this Kingdom, and their Posterity. The Person, my Lord, who I presume you will think fit to name for a Succeffor, isher Royal Highness the Electoress Dowager of Brunswick and Lunenburg, the Princels Sophia; the is the next Proteftant of our own Royal Family; whose Mother was a Native of our own Country, born at Dunfermling. Her Highness's Blood is truly Royal, her Inclinations and Heart, as I am credibly inform'd, are intirely British; and, my Lord, we can go no where else for a Successor, but to her, and the Heirs of her Body. When this Point is fettled on the best Conditions proper for us to ask, and in her Majesty's Power to grant, none in this Affembly will have occasion to very often to make mention of her Majesty's Death, as they did last Year, which indeed carries something rude in expressing it. We all know, my Lord, the is mortal; may we act and speak as if we thought our selves so, and may we never have occasion to make more mention of her Death; may the out-live all of us; the is the Support and Glory of us, of our Religion, and of the quiet and peaceable Government we all enjoy; and by her shining Character, illustrates and adorns all her good Subjects. Where-

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Wherefore, my Lord, let it never be said, that we of this Parliament, either by neglect, or by wrong Principles, or by a mistake in our Judgments, grasping at what can never be obtain'd, are either the immediate or mediate Cause of eclipsing her so bright a Lustre, as shines thorow all the distinct Parts of her wise Management at home, as well as abroad. From hence we hear the joyful News of Victories, and a happy Progress by the wise and addorable Providence in the late great Success, vouchfased to her Majesty's Arms, and those of her Allies; whereby God hath thus far disappointed the Hopes, and consounded the devices and ambitious Designs of the Common Enemy

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Deligns of the Common Enemy. 'I presume to say, with submission, that our Divisions amongst our selves, these last two Years past, have given her Majesty more real Vexation and Trouble than all the great Affairs of Europe, of which she hath a very great share; this alone is a reproach to our Nation in general: Whereas indeed the true Cause is the Pride, Ambition, and Coverous Humour of some few particular Men of both Parties, who all pretend the service of the Queen, and the publick Good; whereas, in good earnest, all that these pretended Patriots aim at is to be Chief, and the first in Posts and Offices of Profit and Trust, by which they may pretend a Privilege to spend and squander away the publick Revenue, oppress the People, to Support their own Pride, Vanity

Hinc ille Lacryme.

and Luxury.

From such Manners and Self-interested, passionate, proud Men are all our Misery, and all the Reproaches cast upon the Nation: Covetousness, and the Love of Mony blinds these Men's Understandings. Let us not follow their Maxims, lest we prove troublesome to our Sovereign, and useless to the Publick. I know very well, my Lord, some here who are really for the Succession, but are not for having it settled at this time for several pretended Reasons; but a great one is, they would not have his Gaace, my Lord Commissioner, have the Honour of passing it, while he sits on the Throne.

Num.XX.

Hones, for my own part, I have no concern A. C. whoever does a good thing, providing I have a 1704. That account, he will repent, and consider the publick Advantage: From which, and from all that has been said, I am, my Lord, for settling of the Succession now, before the House proceeds to any

other Business.

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On the other hand, those who oppos'd the present fettling of the Succession, made very sharp Speeches against the Proceedings of the Parliament of England. with Relation to the Plot, which had great Influence on several Members. At last, both the Duke of Hamilton's, and the Earl of Rothes's Resolves being foin'd into one, the previous Quettion was put, Whether to put this joint Refolve to the Vote, or to Vote them separately? And it was carried to Vote them jointly by 42 Voices. Then the joint Vote, viz. That this Parliament will not proceed to a Nomination of a Succeffor, until we have a previous Treaty with England. for regulating our Commerce, and other Concerns with that Nation; And, That this Parliament will proceed to make fuch Limitations and Conditions of Government, for the Restification of our Constitutions as may secure the Religion, Liberty, and Independency of this Nation, before they proceed to the said Nomination: This joint Vote, I See the Apfay, being put, Approve or not, it was carried, Ap. pendix,

After this Vote was carried, it was moved by the Duke of Athol, Lord Privy Seal, That her Majesty having graciously pleas'd to signifie by her Commissioner, that the Examination of the Plot should be laid before the Parliament, his Grace the Lord Commissioner would be pleased to write to her Majesty to send down the Persons who were Witnesses, and all the Papers relating to that Plot, as soon as possible, that that Affair might be examin'd to the bottom; and those who were unjustly and falsly accused, might be vindicated; and those who were guilty might be puninsh'd according to their deservings: Upon which the Lord Chancellor declar'd, by Order of the Lord Commissioner, That his Grace had writ, and would again write to her Majesty, to send down the whole

prove, by a Majority of 55 Voices.

Two Days † after, the Duke of Hamilton propos'd + June 19. this Resolve, viz. That the Parliament would pro-

Evidences relating to the Plot as foon as possible.

ceed

ceed to make such Limitations and Conditions of Government, for the rectifying of the Constitution, as might secure the Religion, Liberty and Independency of this Nation; and that they would Name Commissioners to Treat with England for regulating Commerce, and other Concerns with that Nation, previous to all other Bulinels, except an Act for two Months Cefs, first of all to be gran. ted for the present Subsistence of her Majesty's Forces. Thereupon the E. of Marchmont made a long Speech, the substance of which was, 'That since the House had resolv'd not to fall immediately upon fettling the Succession, it was reasonable that an Act should be made to exclude all Popish Succettors: To which the Duke of Hamilton answer'd, That he Should be one of the first who should draw his Sword against a Popilh Successor, though he did not think this a proper Time, either to fettle the Succession, or to consider of the Earl of Marchmont's Proposals. After some Debates, the Confideration of the Duke of Hamilton's Resolve was adjourn'd to the 21st, when it was moved, That the Act presented by the Lord Justice Clerk, and declar'd by him to be for fourteen Months Supply, payable in two Years, might likewife be consider'd: Whereupon, after debate, it was put to the Vote, whether to give a Cess for two, or for fix Months? And it was carried by 16 Voices, that it The same Day, an Over-A Cefs fir ture by Mr. Fletcher of Salton, for nominating Comfix Months missioners to Treat with England was read; as was also a Petition of David Baillie, Prisoner in the Cafile of Sterling, by sentence of the Council, for acculing the Duke of Queensberry, and the Marquis of Anandale, of a delign to suborn him against the Duke of Hamilton, the Duke of Athol, and others, in Relation to the Plot, praying to be fet at Liberty, which was granted, upon his finding Bail to appear before the Parliament, when call'd. in 1970 o

June 21.

granted,

June 25.

On the 25th of June, the Act of Supply was again take into Confideration, and an additional Clause about the Security of the Kingdom, offered to be added to the Act of Supply, read; And after debate thereon, the following Resolve was offered by the Lord Ross, viz. That the Parliament will proceed to grant two Months Supply for Sublifting her Majesty's Forces, and as foon as the Act of Security, now read, bat

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then a fecond Resolve was presented by the Earl of Roxburgh, viz. That there be a first reading mark'd on the Ast for Security, and that both this Ast, and that for the Supply, lie without being farther proceeded on, until this Grace, ber Majesty's Commissioner, receive Instructions as to the Ast of Security, it being then free to the Parliament to proceed to the Asts jointly, or separately, as they shall think sit. After reasoning on both the Lords Resolves, the Question was stated, Approve the sirst Resolve presented by the Lord Ross, or the second Resolve presented by the Earl of Roxburgh, and carried, Approve the second. And the Act of Security being read, a first reading was ordered to be mark'd thereon.

Her Majesty's Commissioner appointed the next sitting of Parliament to be for discussing private Business; and 'twas agreed that previous to all other, the Act of Dissolution, in favour of James Marquis of Montross, should be taken into Consideration.

Ten days after, the Act of Security received the Ast of So-Royal Affent, upon which occasion the Lord High curity past, Gommissioner made the following Speech:

Aug. 6.

My Lords and Gentlemen,

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A Tyour fitting down, her Majesty in her Graci-The High ous Letter recommended to you two things, Commission which she thought most necessary for your own ner', Quiet and Security, as well as for that of her Go-speech to vernment; The fettling of the Succession in the Pro- the Parliatestant Line, and the providing for the Sublistance ment. of the Forces, the Funds last given for that End being then exhausted. The first of these you have not thought he for your Interest to do at this time, I heartily with you may meet with an Opportunity for it, more for your advantage, at another. other all of you feem'd most ready and willing to go into, as witness the several Motions and Resolves made there anent, but withal shew strong Inclinations for an Act of Security, as absolutely necessary. I told you then, as I had done at first, that I had been fully impower'd, and instructed not only as to that, but many other things for your Good, but upon the Alteration of Circumstances had not now the Liberty to make use of those Powers

A. C. 1704. even as to that, till I had acquainted her Majelly, and knew her Mind, which I would do, and use my outmost Interest to procure it savourable, which was the true Reason of your long Adjournment, and not what was infinuated by some, who ought to have known me better; the Character I have in the World, being, as I hope, above so mean a Rester Ction.

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And now. My Lords and Gentlemen, I can tell you that from her Majesty's innate Goodness, and Gracious Disposition towards you, it harh been more easie for me, and some other of her Servants, to prevail with her, than perhaps, was by others expected; fo that you have an Act of Security fufficient for the Ends proposed : And it's hop'd, at the fame time, you will perfect that of Supply, which you your felves feem convinced to be absolutely ne cessary at this time, and without which, neither the Forces can be kept on foot, nor any Frigates main tained for guarding our Coafts, and securing our Trade, both which now lying before you, I hope you will go prefently about, that when finished they may have the Royal Aflent, which I am ready to give, and thereafter you may have time to proceed to other Business relating to Trade, or your other Concerns, wherein I shall be willing to comple with your Defires, so they be within the Bounds of my Instructions.

Four Days after, it was moved and agreed, the a Day be appointed for Examining the Plot; and the such Papers concerning it, as were sent from Londo to the Privy Council, might be transmitted to the Aug. 9. Clerks of the Parliament. The same * Day, an Addischarging the Importation of Woolen Manusactory, and allowing the Exportation of Wool and Skin was read, and after some debate, order'd to be mark a first Reading. The sour † next Sederunts (or Sing. 11. tings) of the Parliament were wholly spent on the 14,15,16 Examination of publick Accounts. And on the 22 of August they had a long and high debate about the Exportation of Wool: Many Members wisely urgin how ill it would be taken by the English; But at la it being put to the Vote, export or not? It was care

ried in the Affirmative; though it was afterwar

Queen ANNE's Reign.

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resolv'd that a Restriction should be put upon it, A. C. by an additional Duty. The next * Day the Act allowing the Importation and Exportation of Wool pass'd the House: And on the 24th, the Captain of Aug. 23. an English East India Ship, seiz'd by Order of the Scorch African Company, and accus'd of breaking Bulk in Scotland, prefented a Petition to the Parliament: But the Company having given in another Petition on their fide, to justifie their Proceedings, the House would not meddle in that Affair; so that it was left to a Trial at Law. Three Days after the High Commissioner made the following Speech to the Parliament.

My Lords and Gentlemen. YOU have now fat long, and I think you cannot com-Commissiplain that you have been cut foort by frequent Ad-oner's journments, or short Sederunts. In this time more might Speech, have been done, however, Some good Laws are past, and Aug. 271 one in particular, which gives sufficient Evidence of the Disposition her Majesty was in to have gratisted you in whatever was reasonable. I advertis'd you lately, that you had not much longer to fit, and though I cannot but say the time you had fince has been very usefully employed. yet, if there had been more dispatch made, some of those good Laws which are now before you might have past; but now I must tell you, that I am not allowed to give you any more time, her Majesty-thinking a short Recess neceffary at prefent, so it will not be long till you may have another Opportunity of doing what still remains fit to be done, for no Disappointment her Majesty hath met with, can alter, in the least, her favourable Disposition towards this ber ancient Kingdom.

Which done, the Parliament, by his Grace's Or-The Parlider, was Prorogued to the seventh of October: But ament Probefore they separated, they drew up an Address to regued. her Majesty, defiring that the Evidence and Papers relating to the Plot, might be laid before them against next Sellion.

As her Majesty did sincerely wish, and had ear-Reasons nestly recommended the fettling of the Succession in fettling of the Protestant Line, so it was no small Disappoint-the Succession ment and Trouble to her Majesty, to see those mea- on miscarfures baffled, which had been taken for that purpofe, ried in An Scotland:

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A. C. A
1704.

See a G
Pamphlet
Reflections
on the Lord
Haversham's
Speech, p.7. c
G- seq;

An ingenious Scotch Gentleman, who feems to be well versed in the Affairs of his own Country, and who has made it his Business to enquire into the Reafons of that miscarriage, assigns * the following: First, the Alterations that were made in the Mi-'nistry, which being neither early not universal enough, occasion the Divisions that happen'd in the Parliament; and made the Ministry so weak, that instead of doing every thing, they could do nothing; by reason of the difficulty of reconciling People on a sudden, who had been so long in oppofition as the new Party, and many of those of the late Court, who had fallen in with fuch Measures, as the other Party thought prejudicial to the Country. Secondly, the doubtful Event of the Campaign, which encourag'd the Enemies of the Succession to oppose it. Thirdly, a Rumour malicioully spread, that those intrusted by her Majesty, acted wholly by English Influence, and out of a Servile Compliance with the defire of a prevalent Party in England, whom a disaffected Party in Scotland, misrepresented as Enemies to the Scots, because of that and some former Proceedings: Which was improv'd to such a Height, that several Gentlemen, formerly very popular for Services to their Country, and now zealous for the Succession, were infulted by the Rabble. Fourthly, an unaccountable Liberty that many People took to express their fuspicion of the Court's Sincerity; and the falling in of 32 or 33 Members, who had, one way or other a Dependance upon the Court, and the old 'Ministers, with the Resolve for putting off the Succoffion, till the Scots had a previous Treaty with England, in relation to Commerce, and other Concerns with that Nation: Which Members would have otherwife been for the Succession, but were tempted to take this method, by fuggestions that they might find their Account better, by defeating it in the Hands of those now employed by her Majesty; which would give a handle for the employing those again, who had so lately oblig'd them with Places and Penfions, and would then be in a Capacity to oblige more of them, in like manner. Nor is it to be omitted, says my Author, that they were perwaded this would give them an Opportunity of making

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king their Court to the next Successor, by shewing A. C. how much their Influence might conduce to the 1704. furthering, or retarding the Succession: Which they were the more induced to comply with, because of a Report industriously spread in Scotland, . that the change in the Ministry was only made to ferve a Turn; that their old Friends would come in play again; and that those who opposed the Succellion at prefent, should then be the Men in favour. Fifthly, as the putting the Succession upon the foot of a Treaty with England, was the furest, as well as the most plausible and unexceptionable way that could be taken to delay it, so they that propos'd this were encouraged to it by Letters from England, after the arrival of which, those who were for settling the Succession, immediately lessen'd in their number, tho'before that time they had good ground to think they had a majoriry. Nor are we to wonder at the influence of this Proposal upon many honelt Men, who did not perceive the Craft and Danger of that Expedient, by which they hoped to encrease the Trade of their Country, which is in a ruinous Condition, and has ever been declining, fince the English Act of Navigation. In the Sixth and last place, this Author tells us, there were several other Causes of less Weight, which being join'd together, had no small influence in defeating the Succession. As 1. Some opposed it out of meer Humour, because they were not at hill taken into the Measures, or put into Posts. 2. Some People being Conscious that they had made themselves liable to the Justice of the Nation, for some foul Proceedings relating to the Plot, and tor fuch Advices, as tended to little less than a Conquest of their own Country by an English Power, were willing to exchange the Succession with a Respite from Prosecution, and to make sure of that, by joining the Malecontents of the late Court Party, and those who are Enemies to the House of Hannooer, in order to defeat the Succession at this Time: Tho' they may hereafter make their Court, by pretending they did not oppose the Succession, but only the Limitations, because they hate all Incroachments upon the Prerogative. And 3. Some of the new Ministry having been formerly of the CountryThe ANNALS of

A. C. 1704.

Party, they could not but refent both in Publick and Private, the Injuries they supposed were done to the Kingdom of Scotland in the late Reign. Which by their Adversaries was interpreted to be downright Jacobitism, railing upon King William, running down the Revolution, and sapping the Foundations of Church and State; and that fome Diffenters about London being alarm'd at it, Communicated their Fears and Jealouses to their Brethren in Scotland; so that the Lords and Gentlemen entrusted by her Majesty to carry on the Succession, were fought to be ruin'd in the good Opinion of both Nations. Thus far my Scotch Author, on whole Reasons and Conjectures the Reader may lay what stress he thinks fit.

The news of the Glorious Successes of her Majefly's Arms Abroad, which by this time had reach'd England, made an agreeable Diversion to the fad Prospect of things in Scotland; but to give a full Idea of the Great Actions perform'd this year, by the Duke of Marlborough, it is necessary to premise a thort view of the Posture of Affairs in Europe, before

his Grace went into the Field.

Duke of Marlbothe year 1704.

All the World knows upon what Motives the of Affairs French King concluded the late Treaty of Reswick; in Europe, and that He condescended to restore to his Neighbefore the bours most of the Conquests he had made upon them fince the Peace of Nimeguen, with delign only to rough en break the Confederacy, and in hopes of getting all ver'd upon again, with the Spanish Monarchy into the Bargain, Allien in by the Death of Charles II. who was then thought very near Expiring. This plainly appears, both from the French King's Delays in Evacuating the Places, which by the Treaty of Reswick were yielded to the Spaniards and Germans, and from his keeping up all the Standing Forces he had in his Service, during the late War.

The King of Spain's lingring Difease, disappointing the hopes of the French Monarch, the latter thought it Prudence to cover, for a while, his ambitious Designs: And therefore Evacuated several Towns in Flanders, and on the Rhine; and disbanded a considerable number of his Troops. Being thus, in a manner, unable to hurt his Nighbours by open Force, the the French King had recourse to his usual Arts and

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Policy to divide them amongst themselves; which he did essentially, by amusing both England, Holland and Portugal with the Treaty of Partition. By this, he not only broke the whole Confederacy, made the Emperor jealous of England and Holland, and raised and somented Feuds and Animosticies in England; but likewise gain'd a considerable Party in the Spanish Nation: Who being Proud of the vast Extent of their Monarchy, could not well digest to see it dismembred. Thus the Treaty of Partition surnished the Duke de Harcourt, the French Ambassador at Madrid,

and his second, Cardinal Portocarrero, with plausible Arguments, to procure, if not extort, the late King of Spain's Will; whereby he called the Duke of Aniou, the Dauphin's second Son, to succeed in all the

Spanish Dominions: To the prejudice of the House

of Austria. That weak Prince dying foon after, the French Court by a gross distinction between the Letter and the Intention of the Partition-Treaty, laid that aside. and accepted the King of Spain's Will, which prodigious Accession of strength to the House of Bourbon. justly alarm'd all Europe. For all good Statesmen consider'd, that the French King being a Prince of much Wildom and Policy, would manage the Spanilb Dominions to the best advantage; and make the Treasures of the West-Indies subservient to his defigns. That he would rouze the Spaniards out of their inbred Lethargy, and not fuffer their Strength and Substance to be wasted by haughty Idleness: That he would affift his Grand-Son to re-unite both Holland and Portugal to the Crown of Spain; and cut off the English from their Trade to that Kingdom, the Levant, and the East and West Indies: Which by the Industry and Laboriousness of his own Subjects, would bring fuch a store of Wealth into his Dominions, as might enable him to arrive at Univerfal Empire.

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To prevent these imminent Dangers, and to afferr the Rights of the House of Austria, a new Contederacy was form'd by the late King William of ever Glorious Memory, between the Emperor, England, Holland, the King of Prussia, and most Princes and States of the Empire; but before the prefix'd day came, by which the High Allies had agreed to de-

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1704

A. C. clare War against France, Death put an end to King William's Labours . Heaven referving for his Lawtul and Rightful Successor Queen ANNE, the Glory of humbling the Pride, and of deleating the Ambi-

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tious Deligns of the French King. 10 and

The declaring War against France being resolv'd upon, it was necessary for the Queen to chuse a Person, who might at once Command her Armies, and reconcile the different Interest and Inclinations of Her Allies; and this Choice, both by her Majesty's Wildom, and as it were the Defignation of the whole Nation, fell on his Grace the Duke of MARLBO-ROUGH, a Person, whom Courage, Experience, Vigilance and Conduct, recommended for a Captain-General; and whom Wisdom, Penetration, Temper and Affability, had fitted for a Plenipotentiary: A Person, in a Word, capable to form great Un-

dertakings, and to put them in Execution.

The Confederates were now to begin a War with infinite Diladvantage: For whereas, formerly, not only all Spain, but the United Force of the whole Empire; and, for a confiderable time, the Duke of Savoy, acted in concert with England and Holland, against the Common Enemy; a Prince of the House of Bourbon did now fill the Spanish Throne; a French Army had over-run the State of Milan, and to this Army the Duke of Savoy (engag'd with France by the double Match of his two Daughters) had join'd his Forces. Of the nine Principal Members of the Empire, two, the Electors of Bavaria and Cologne had declared for France; and the latter had admitted French Forces into all his Fortified Towns, under the specious Name of Troops of the Circle of Burgundy. A third, the Elector of Saxony, King of Poland, was contending with Sweden, and the discontented Poles, for his unfettled Crown, and was thereby hindred from fending his full Proportion of Troops against France; the Emperor had fent his Veteran Forces, under the Command of his best General, Prince Eugene, to keep the French at a Bay in Italy; and all the Spanish Towns Frontiering upon Holland, were Garrison'd with French Soldiers. Yet notwistanding all these Disadvantages, from the Wise and Steddy Councils of England; the Right Management of Her Majesty's Treasure; the just Measures concerted by Queen A N NE's Reign.

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by the Duke of Marlborough with Foreign Powers; A. C. the Valour and Resolution of the English Troops, 1704. and the Vigour and good Conduct with which they were led on, good Politicians forelaw, that the Confederates would, at last, be an Over-match for France.

Our nearest and surest Allies, the Dutch, were the The Duke first that felt the Effects of her Majesty's good Choice of Mariof a General. For the Duke of Marlborough had no borough's sooner put himself at the head of the Confederate Campaign Army, than Mareschal Boufflers, who with the Forces in the year under his Command, had driven the Army of the 1702. States to the very Gates of Nimeguen, and alarm'd not only that Town, but all the United Provinces. was oblig'd to fly in his turn; so that the Duke of Burgundy, who was fent to that Army to learn how to fight, learn'd nothing from Mareschal Boufflers,

but how to avoid an Engagement. The Duke of Marlborough finding it impossible to bring the French to a Battle, refolv'd to disposless them of the Places which they held in the Spanish Guelderland, whereby the free Navigation of the Maefe was interrupted, and the most important Town of Maestricht in a manner blockt up; and, according to this Resolution, having reduced Venlo, Ruremonde and Stevenswaert, he ended that Campaign by the

Conquest of the City and Citadel of Liege.

The next year his Grace open'd the Campaign with the Siege of the important Town of Bonne; HisGrace's which, tho? extreamly well Fortified, and defended Campaign by a numerous French Garrison, yet by his Grace's in 1703. admirable Conduct, was reduced in fewer days, than are spent by other Generals in Investing a Place, and opening the Trenches. By the taking of Bonne, the Archbishoprick of Cologne was wholly freed from their troublesome Guests the French, who being forc'd to keep within the Lines in Brabant gave his Grace the Opportunity to make himself Master of the Town and Castle of Huy. While this Siege was depending, a great Council of War was held at the Confederate Camp; and the Queltion being put, what Undertaking should be gone upon after the Reduction of Huy? The Duke of Marlborough, with the Generals of the English, Danes, Lunenburghers and Hessians, inlitted upon the Attacking the French in

The ANNALS of

A. C. their Lines, as an Enterprize that would contribute much more to the Glory and Advantage of the High Allies, than the Siege of Limburgh, which was propos'd by the Deputies of the States, and the Durch Generals; but the latter would not confent to hazard their Troops in an Action, the fuccess whereof, they faid, was at best uncertain; and which, if prosperous would yield no farther Advantage, than to find the Enemy retired into their Fortified Towns; whereas, on the contrary, should the French get the Victory, the United Provinces would remain expos'd to their Incursions. Thereupon the project of Artacking the Lines was laid afide, and the Resolution taken to Besiege Limburg; Which Conquest put an end to the Duke of Marlborough's second Campaign in the Netherlands.

The di-Arefs'dCondition of Italy, and of the Empire at this Juncture.

The French, it feems, were contented to ftand up. on the Defensive in Flanders, where they where indeed interior, while their superiority in Italy, on the Rhine, and in the very Heart of the Empire, gave them fignal Advantages. For, by this time, Prince Eugene had been forc'd to leave Italy, to come and follicit Reinforcements at the Court of Vienna. The Duke of Savey, who having discover'd the French King's Ambitious Deligns, had thereupon lately entred into the Grand Alliance, lay expos'd to the Resentment of that Monarch, whose numerous Armies invaded his Territories in several Places. Count Tallard had made himself Master of the Town of Brijac, and retaken the strong Fortress of Landau, after he had defeated the Germans near Spire. The Elector of Bavaria, deluded by the fair Promises of the French King, and intoxicated with his own Ambitious Thoughts, had declared War against the House of Austria, seiz'd the Imperial Cities of Ulm, Ratisbonne. Augsburg and Passau; and being strongly supported by great Supplies of Men and Money from France. threatned no less than to march directly to Vienna, Nor did the Conjunction of the French and Bavarians alone distress the Emperor's Affairs: For the Court of France had, at this juncture, so effectually fomented the Discontents, and encouraged the Infurrection, both of the Oppress d and persecuted Hungarians, that having form'd several formidable Bodies, under their Leaders, Prince Ragorzi, Count 215012

Queen ANN Es Reign.

Caroli, and Count Berezini, gain'd several Advantages over the Imperial Troops; and made themselves Masters of many important Places; they now offer'd powerfully to affift the Elector of Bavaria, in his intended Invasion of the Emperor's Hereditary Countries.

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Things being in this Condition, Count Wratislaw, Count the Emperor's Envoy Extraordinary to the Queen Wratis of Great Britain, did on the 2d of April 1704. pre. slaw's Mealent a Memorial to her Majesty, importing, That morial to having at several times, represented to her Majesty's the Queen. Ministers, by word of Mouth, the pressing Necessities April 2.

of the Empire, by the breaking in of a confiderable Army of French into Bavaria; which, together with the Insurrection in Hungary, had reduced the *Imperial Hereditary Countries into an incredible * Perplexity and Confusion; so that it was to be fear'd an entire Revolution and Defolation of all Germany would follow, if some speedy Assistance were not applied, proportionable to the great Danger they were now threatned with: He was extreamly well fatisfy'd with the Zeal her Majesty's Ministers had for the common Cause, and with the Attention they gave to his Representations; but nothing being as yet refolv'd on, though the Seafon was far advanc'd; and the final Resolution on the feveral Schemes that had been presented, being deferr'd till the arrival of the Duke of Marlborough at the Hague, this Envoy thought himself ob-'lig'd before his Grace's Departure, to do his falt Endeavour, by representing, in Writing, the danger wherein the Emperor and Empire were at prefent 'involv'd, That her Majesty out of the same Zeal for preserving the Liberties of Europe, for which ' fhe was so much fam'd among the Potentates in Alliance with her Majesty, would be pleas'd to order the Duke of Marlborough, her Captain General, leriously to consult with the Seates General of the speediest Method for affishing the Empire; or, at least, to conduct part of the Troops in her Majesty's pay beyond Sea, to preserve Germany from a total Subversion; it not being just in it sell, nor any ways advantageous to the common Cause, that her Majesty's Troops should tarry on the Frontiers of Holland, which were not, in the least threatned by

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A. C. 1704.

Answer.

the Enemy, and were defended by great Rivers. and strong Places, whilst the Empire was destroyed by the Rrench Troops with Fire and Sword. In the Conclusion, Count Wratislaw said, that the defire he most humbly presented was grounded on the Alliance concluded between the Emperor, England and Holland; pursuant to which he hoped her Majesty would give those Orders that were necessary for the Assistance of Germany; by the want of which he foresaw the Mischiels that would enfue to the common Cause; especially, it the Orders of the States General to recal their Troops from the Empire, should take place, in a time when France endeavour'd to fend a powerful Affiftance to their Army in Bavaria. To this Memorial the Queen was pleas'd to return an Answer by Mr. Se-The Queen's cretary Hedges, importing, 'That the Duke of Marlborough, Captain General of her Armies, had receiv'd orders from her Majesty, to take the most effectual Method with the States General of the United Provinces, her good Allies and Confederates, to fend a speedy Succour to his Imperial Majelty, and the Empire. And to press the States to

> take the necessary Measures to rescue Germany, from the imminent Danger it was now expos'd to. Either the foregoing Memorial was but matter of

Form, or the Emperor's Envoy was then unacquainted with the great Project which the Duke of Marlborough had already form'd to deliver the Empire; and which 'tis faid, he had communicated to three Persons only in England, to wit, the Queen, the Prince of Denmark, and the Lord Treasurer; not to above two Persons more in Holland; and not to any of the Imperial Court, before he was ready to put it in Execution. In order to that his Grace embark'd at Harwich towards the middle tot April with General Churchil, his Brother, Lieutenant-General Lumley, the Earl of Orkney, and other General Offi-+ Apr. 19 cers; and two days * after fafely landed at Maesland. He arrive, Slays, and the same Evening came to the Hague; where he receiv'd the Compliments of the Foreign Ministers, General Officers, and other Persons of April. 21. Distinction, upon his happy Arrival. On the 23d. of April (N. S.) he was attended by a Deputation of the States General, with whom he had a prelimina-

The Duke of Maslborough Embarks fer Holland, at the

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by Conference about the Measures he thought most A. C. proper to be profecuted this Summer; and the same 1704. day part of the Garrisons of Liege and Maestricht, with the Troops that had been canton'd for some time in that Neighbourhood, confifting of 73 Squadrons, and about 40 Battalions, were order'd to affemble on the Riling Ground of Leon, and to encamp with the Left at the Village of Harcourt, and their Right near the River Faar. About the fame The States time the States General regulated the several Posteregulateshe of their General Officers: Monsieur d'Auverques qué, Posts of the Field-Marihal, was appointed to command their their Gene-Forces on the Maele, having under him the Counts ral Officers. de Tilly and Noyelles, as Generals; General Slangenbourg, those on the Moselle; Lieutenant-General Salisch in Brabant; Lieutenant-General Spaar in Flanders; Lieutenant General Fagel in Flanders; and Major General Belcastel in Savoy. On the 2d of May The Duke of his Grace had another long Conference with the De-Marlboputies of the States General, wherein he declared to rough them the Project he had concerted long before, opens his and of which he had only given some Hints, to such Project to of them as he had most Confidence in, when at the the States States desire he went last to the Hague : Telling them General. withal. That he thought his marching into Germany would most conduce to the Advantage of the Confederacy, and the Annoyance of the common Enemy; and therefore he doubted not upon their Report of this matter to the States General, but they would readily concur with him, and join their Forces with her Majelty of Great Britain in fo glorious a Cause. The States spent a whole Day's Consultation upon the Duke's Proposals, to which some Members of that wife and potent Atlembly, were somewhat backward to give their Concurrence; being apprehensive, that by dividing thus their Forces, they might lose in one Summer, all the Advantages they had gain'd by his Grace's Conduct and Valour in the two former Campaigns. The next † Morn- + May ing the Duke had a Conference with the States Gene- N. s. ral themselves, and the Council of State, to whom he made a very lively Representation of the imminent Danger that threatned the whole Empire, and The States indeed all Europe, if an immediate Check were not concur with given to the Progresses of the French and Bavarians in the Duke's

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Germany; adding, that being now entire Mafters of A. C. the Maefe, and all the Spanish Gelderland, a small 1704. number of Forces were able to fecure their Frontiers. These Reasons, supported by the Reputation of him that deliver'd them, and by the influence of those whom the Duke had trusted with his Secret, made to great Impression in the Minds of the

whole Affembly, that all Affairs relating to the His Grace Operations of the enfuing Campaign, were in this fers our from Conference happily determin'd and adjusted; after sheHague, which his Grace took his leave of them, and on the 5th of May at Night went in a Yatcht to Urreobr. - May 6.

The next * Day his Coaches met him at Utrecht, and carried him that Evening to Vortz, a Seat belonging to the Earl of Albemarle: from whence he proceeded towards Ruremond, giving Orders for the English Troops, and other Forces posted thereabouts, to join and march towards Coblentz. On the 8th the Duke came to Ruremond, where he was faluted with a Triple discharge of the Cannon, and complimented by the Bishop and Magistrates of the Place, who met him some distance from the Town. There his Grace gave the same Evening the necellary Orders for the Building of a Bridge, over which the English, and other Troops deligh'd, as "twas industriously given out, for the Mofelle, were to pais; those Forces in the mean time drawing together near Boisseduc, under the command of General Churchill, in order to proceed on their march to

† May 10. Ruremond. Two Days t after the Duke went to Maestricht, where he had the same Honours paid him as at Ruremond; and Monsieur de Auverquerque, with several other General Officers having waited upon his Grace, the Duke accompanied them to the Camp, and having review'd the Dutch Army, was entertain'd by them at Dinner, and then return'd to Maestricht. On the 16th his Grace set out from thence; and the same Evening join'd the Detachment Commanded by Brigadier General Fergulon. with five Squadrons of Dutch Horse, and eleven pieces of Cannon of the Dutch Train. The 18th the Duke march'd to Bedbourg, and was there join'd by General Churchil, with the English Forces and Train of Artillery, and the Army encamped with the Left at that Place, and the Right at Caster. The 19th

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the Prince of Saxe Zeits, Bishop of Raab, and the A. C. Prince of Hesse, with other Canons of the Chapter of 1704. Cologne, came from thence to the Camp, to wait upon his Grace; as did also Count Brianson, Envoy Extraordinary from the Duke of Savoy, to her Majesty of Great Britain.

The French in Flanders, both from the Duke's The French marching towards Coblentz, and the great Preparatisendeavour ons made in that Place, thought his Grace defign'd to flop the to open the Campaign with the Siege of Traerbach, Duke's Proand endeavour to advance into France along the refr. Moselle; upon which Supposition they detached 8 Battalions, and 16 Squadrons towards that River, and gave out that they intended the Siege of Huy, imagining that by this Report, they might stop the Progress of the English General. But the Duke of Marlborough flighting that Amusement, and well knowing that the Forces he had left in Flanders, under the Command of Monsieur d'Auverquerque, were fufficient to frustrate any Attempt the French could make on that fide; his Grace continu'd his March But in according to his fix'd Resolution, and on the 20th of wain. May advanc'd from Bedbourg to Kerpen. The next Day his Grace mov'd as far as Kulfecken, where he receiv'd an Express from Prince Lewis of Baden, confirm'd by Letters from the Prince of Hesse, Monsieur Bulan, and Baron Hompesch, all agreeing in opinion, that the French might force their Pallage through the Black Forrest, and bring a new Addition of Strength o the Elector of Bavaria. And about the same time his Grace receiv'd Advice from the Netherlands, that the Court of France had fent politive Orders to the Mareichal de Villeroy, to march towards the Moselle with 25 Battalions, and 46 Squadrons; still upon he Conjecture, that his Grace might act on that lide. Hereupon his Grace gave immediate Orders for his forces to march, and for the greater Expedition. and to prevent the ill Consequences that might atend a Conjunction of the French and Bavarians, imfelf advanc'd with the Horse, leaving the Infanry to march with the Artillery and Baggage after im. On the 22d of May, his Grace leaving his froops on a full March, went to view the Fortificaions of Bonne, and having given his Directions to he Governor of that Place, return'd in the Evening

A. C. to the Army, where certain News came, that the 1704. Recruits for the French Troops in Bavaria, and other Reinforcements, join'd actually the Elector of

The French Bavaria, three Days before at Villingen.

lector of Bavaria.

This Enterprize, no less important than difficult, join the E-was executed with great Order, Diligence and Succefs, notwithstanding the Precautions of the Germans, and therefore deserves to be particularly remembred. The Marthal de Tallard had fent into the Lower Alface 45 Boats fit to make a Bridge; the Sieur Laubanie, Governor of Landau, posted himself at Germershein, with 7 or 8000 Men, and a great Train of Artillery: The Troops brought from the Mefelle by the Count de Coigny, feem'd to march that way; and the Army of the Mareschal de Tallard was order'd likewise to march thither. These Preparations oblig'd the Germans to withdraw part of the Forces they had behind the Mountains, to reinforce those appointed to guard the Lines of Stolhoffen, and the Banks of the Rbine, The Recruits delign'd for Germany, to the number of 12000 Foot, 3000 Horses, and 1000 Officers, were drawn together at, Newburgh, and the Marquis of Courtebonne was posted on the other side of the Rhine, near Huninghen, with a Flying-Camp, to give the Germans some Jealousie for the Forrest. Towns and the Lake of Constance. Mean time the Elector of Bavaria march'd from Ulm the 4th of May, with an Army of near 30000 Men, and used so much Diligence, that on the 13th he arrived within Eight Leagues of the Source of the Danube, the Germani, who were surpriz'd thereat, quitting their Lines and tetiring as that Prince advanced. The fame Day, (the 13th) the Troops commanded by the Marquifs of Courtebonne, and the Recruits descended along the Rhine; and the Armies of the Marshal of Tallard, and Count Coigny, advanced that day to the Bridges laid at Brifac and Rheinau, where they paffed the Rhine. The former arrived the 14th at St George near Friburgh, and the latter at Langendentzling at the Entry of the Valley of Waldkirch, through which there was likewife a Pass. The fame Day the Marshal of Tallard caused a Road to be made on his Right, leading into the Valley of St. Petal and on the 15th he Commanded a Detachment of Grenadeers, with 10 Men out of each Troop Hor

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Horse and Dragoons, and 110 out of each Battalion, A. C. under the Command of the Sieur de Zurlauben, to Post themselves at Kinchzarten. The 16th the Right Wing of the Cavalry, with 2 Brigades of Foot, march'd to possess the Camp of the Sieur de Zurlauben, who advanc'd towards the Mountain of Torner, fituate in the middle of the Passage. The Germans had built a Fort thereon, but had abandon'd the same, with several Redoubts and Intrenchments; And two Regiments they had posted in the Abby of St. Peter, quitted likewise that Post, with much Precipitation. The Marthal of Tallard, who had join'd the Detachment of the Sieur de Zurlauben, posted some Troops in those Posts, for the Security of 500 Waggons, which follow'd the Recruits, and to favour their Passage: The Marquis of Courtebonne march'd to Encamp at Capel, at the entry of the Valley of Friburgh, and the 17th at Faulkensteigh, where the Equipages and Waggons met together, having passed in the Night under the Cannon of Friburgh, without any loss. Those Waggons were loaded with Ammunition, Arms, Provisions and Money, for the Army, and the Elector of Bavaria, who arrived the 16th at Donau Eschingen, the Source of the Danube, where the Marshal of Tallard went to pay him a Vilit. He continued there the 18th, to conter with him, and on the 19th rejoin'd his Army near Friburgh: And having given Two or Three Days rest to his Army, decamped from the Neighbourhood of Friburgh, marching back towards Offenburgh, as if he delign'd to attack the Lines of Biebl,

The Supinity of the Court of Vienna, in trusting The Gerathe Guard of the important Passes of the Black Forrest mans tose to the Militia alone, was much reflected on; but the an Opportungerialists not Fighting the Elector of Bavaria, when tunity of they might have engaged him with visible Advantage, Fighting was still more severely censured.

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A. C. giments of Horse of the Duke of Wirsembergh. The 1704. 15th the Margrave of Bareith and Count Stirum atrived in the Camp with 12000 Men, besides 4 Battalions, and 9 Squadrons of the Forces of the King of Pruffin. Those Generals seeing they had a fine Army, confifting of 99 Squadrons, and 42 Battalions, were refolv'd to attack the Elector of Bavaria the 17th near Villingen; but Prince Lewis of Baden fent them particular Orders not to thin from their Camp till his Arrival. The 19th that Prince arriv'd in the Camp, and having held a Council of War, it was refolv'd to attack the Enemy the next Day. The Army broke up accordingly, but the Bavarianshaving Advice of their Motion, quitted their Camp with great Precipitation, leaving leveral Things behind. and retir'd to Donau Eschingen, and the Armies were to near, that some Bavarians were obliged to pass almost within Musker shot of the Imperialists, who saluted them with feveral Vollies of Cannon. The 21st the Elector march'd to Husingen, and advanc'd on the 22d to Furstembergh, and the 23d to Engen. Prince Lewis being not able to attack the Bavarians, because they were parted by a deep River, and a Morass, march'd to Dutlingen the 21st, and having palled the Danube, advanc'd to Liptingen the 23d to streighten the Bavarians between the Lake of Constance and his Army, and oblige them to fight. The 24th General Bibra join'd Prince Lewis of Baden with 7000 Men, from the Lines of Stolhoffen, and both Armies mov'd towards Stokach, the only Pass through which the Bavarians could make their Retreat. The 25th they Cannonaded each other, but during that Cannonading, the Bavarians march'd through a Defile, which was to narrow, that only two Men could go through the same in Front, and on the 26th in the Morning, their whole Army was gone through the same, and march'd to Pfullendorf, and from thence to Saulgen, having found a great Quantity of Provisions at Pfullendorf, which they had order'd to be laid up there, in their March to Donau Eschingen. They burnt that Place, and several others. The Imperialits having thus futter'd the Bavarians to escape, march'd towards Moschircken, and the 28th in the Evening, arriv'd at Riedlingen. Bavarians were for three Days without Bread, and

had the Imperialifts secur'd the Pass of Stockaob, they A. C. must needs have laid down their Arms, and disbanded 1704 themselves. Some lay the Fault of it upon the Guides, who led the Army a great way about; but whoever was to blame, its certain the Imperialists lost a very favourable Opportunity, which, as it of Prince Encason'd great Murmurings in their Army, so it ren-gene comes dred the Arrival of Prince Eugene amongst them ve-to them.

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By this time the Eyes of all Europe were fix'd on The Duke of the Duke of Marlborough, who, with unwearied di-Marlboligence, advanc'd on the 25th of May to the Camp rough conof Newdorf near Coblentz, where, besides Mr. Dave tinues bis nant, the Queen's Agent at Frank fort, and Monsieur. May 25. d'Amelo, Envoy Extraordinary from the States General, who came to Compliment his Grace, the Count of Wratislaw, late Envoy from the Emperor to her Britannick Majelty, waited also on the Duke, to settle all Things for his Grace's further March, and his Conjunction with the Imperial Army. The 26th whilft the Horse and Dragoons were pailing over the Rhine, his Grace went to vifit the Elector of Triers at his Cattle of Ebrenbrietstein, where he was saluted with a Triple Discharge of the Cannon round the Place. and having din'd with the Elector, in the Atternoon marched with his Forces to Braubach, a Town belonging to the Landgrave of Helle d'Armstadt. The next Day that Prince gave a Visit to the Duke, who that Night came to encamp at Nastetten, and the 28th of May moved to Schwalbach. In the mean time the Foot march'd the 27th from Coblenez to Braubach, and the next Day to Nastetten, having Orders to follow the Horse and Dragoons, as close as was consistent with the March of the Artillery and Baggage.

During the Duke's Encampment at Schwalbach, Lieutenant General Bulow, Commander in chief of the Lunenburgh Forces, came to pay his Respects to his Grace, who the same Day receiv'd Letters from the Hereditary Prince of Hesse, and General Hompesch, acquainting him, that they were come to Mayence, expecting his Orders. The Duke had scarce read these Letters, when he receiv'd another Express from the States General to assure him; that, according to his Desire, they had given Orders for a Reinforcement of & Battallions, and 21 Squadrons to be sent after his

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Grace.

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and that Monfieur d'Auverquerque had appointed 16 Squadrons of Horse, five of Dragoons, 7 Battalions The Duke of Danish Forces; and one of Hesse for that Service, The 29th of May the Duke continued his March Mayence. from Schwalbach to Caffel, being a Village on the Rhine, May 29. over against Mayence; and immediately upon his Ar-N. S. rival went to make a Visit to the Elector of that City, and found at the Landing-Place, on the other fide of the River, several of the Elector's Coaches, which attended to carry his Grace and his Retinue to the Palace. In the mean time, he was faluted by a Dif-

charge of the Cannon round the City. His Grace, and his Retinue, were magnificently entertain'd at Dinner by the Elector, after which a Conference was held between the Generals about the further Motions

of the Confederate Armies in Germany. The next May 30. * Day, the Duke allow'd his Troops fome reft; and attended by the principal Officers of the Army, visited the Fortifications of Majence; was again saluted with a Discharge of the Cannon, and dined with the Elector, who intended to come over the River, to return his Grace's Visit, and view his Troops, but

was prevented by bad Weather. On the last Day of May the Foreign Ministers, who had attended the Duke from Coblentz to Mayence, having taken their

Leaves of him, the necessary Orders were given for the Main. the Troops to pass the Main, which being perform'd with all dilligence, the Duke continuing his March

towards the Neckar, encamp'd that Night at Grootgerbout, and advanc'd the first of June to Quingenberg. The next Day his Grace march'd to Weinheim, and

4 June 3. the following † to Ladenbourg, where his Grace, and the other Generals, took their Quarters, and the Troops palled the Neckar, over a Bridge of Boats, and encamp'd on the River fide, over against the Here the Duke thought fit to halt two whole Days, as well to give his wearied Troops some Refreshment, as not to leave too far behind

the rest of the Auxiliary Forces, that were to serve under his Grace.

The Duke's bending his March towards the Danube, was a great Surprize to the French, who after their hill Disappointment in their Conjectures that his Grace might act on the Meselle, had entertain'd a iealoulie

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jealousie, that he would advance to the Upper Rhine, A. C. and might have a delign upon Landau, both from his Grace's March to Mayence, and from the Governor of Philipsburgh's making a Bridge over the Rhine. Upon this suspicion Mareschal Tallard * repass'd the * Rhine at Altenheim, in order either to join the Mareschal de Villeroy, or to oppose the Duke of Marlborough's Passage of that River: Of which his Grace was t inform'd by an Express from Count de Veblen, t June 4. General of the Palatine Horse, who commanded the Forces of the Lines of Stolhoffen. On the 5th of June, the Count de Friese came to the Duke's Army, to acquaint his Grace from Prince Lewis of Baden. whom he had left with his Forces at Ebingen on this side the Danube, that the Elector of Bavaria was strongly encamp'd near Ulm on the other side. There came likewise intelligence, that Prince Eugene of Savor was arriv'd in the Imperial Camp; and that the Hereditary Prince of Heffe Caffel was marching with the Troops of Heffe and Lunenbourg towards the Danube; whereupon Count Wratislaw, who during all this Campaign with unwearied Application, and admirable Address, made it his Buliness to create and cherish a good Correspondence, and mutual Trust, between the Duke, and the Emperor's Generals:

Count Wratislam, I say, went from his Grace, to con-Count Wrafer with Prince Lewis of Baden, upon occasion of thetislaw ere-Motions of the Enemy, on the other fide the Rhine; stes a good and to manage an interview between his Grace, and Correspon-Prince Eugene, which was equally defired by both dence br-

those great Generals.

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The Duke having given orders to his Foot and Generals, Artillery, which pas'd the Main the 4th of June, to follow with the Reinforcement of Horse and Foot, which was marching from the Maese under the Duke of Wirtemberg, his Grace left Ladenbourg the 6th of the same Month, and march'd to Wislock. The 7th he came to Eppingen; and the next Day continued his March to Great Gardach; during which several of the Auxiliary Troops join'd his Grace, the rest, particularly the Foot and Artillery which that day passed the Necker at Heidelberg, under the Conduct of General Churchill, receiving orders to meet his Grace at the Rendezvous at Gielingen. During the Encampment at Great Gardach, the Baron de Stafte-E 4

The ANNALS of rol. Grand Mareschal to the Duke of Wirtemberg. came to compliment the Duke of Marlborough, in the Name of the Duke, his Master, and to assure him, that all possible Assistance should be given to the Troops under his Grace's Command, in their march thro' his Master's Territories. On the 9th the Duke march'd with the Horse from Great Gardach to Mondelsheim, where he halted the next Day, and in the Morning receiv'd advice, by an Adjutant General, First inter-that Prince Eugene of Savoy, with Count Wratistaw, view be- were on the Road to his Camp, inrending to Dine with his Grace. About three in the Afternoon his Prince Eu Highness arriv'd at the Duke's Quarters at Mondelgene, and sheim, where he was receiv'd with all the Marks of the Duke of Honour and Respect due to his Rank and Quality. No doubt, Posterity will be curious to know what pas'd at the first interview of the two greatest Men of this Age, equal in Merit and Fame, both for their Their Cha-Courage and Conduct in Military Exploits; their Prudence in Council; their Dexterity and Address in the management of Affairs; and their Politeness, Temper and Affability: But all that's hitherto come to our Knowledge, is, that after Dinner, the remaining part of the Day was spent in Conferences between the Prince and the Duke, wherein the mutual Esteem they had before for each other, grew into a

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ftriet Friendship and Confidence; which appear'd June 17 in all the Operations of the Campaign. The * next day his Highnels march'd with the Duke to Great Heppach, where his Grace ordering his Army to be drawn up in Battalia before the Prince, his Highness express'd his surprize to find them in so good Condition, after so long and quick a March, in these words, 'My Lord, I never faw better Horses, better Cloaths, finer Belts and Accourrements: Yet all these may be had for Money; but there is a Spirit 'in the looks of your Men, which I never yet faw in my Life. His Grace was extreamly well pleas'd with the Compliment, and return'd it thus, Sir, 'If it be as you fay, that Spirit is inspired to them by your Presence. On the 12th advice was brought from the Army under Prince Lewis of Baden, that three Regiments of Horse march'd from thence the 8th to the Lines of Stolhoffen; and that the 10th they

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were followed by 9000 Men of the Prussian Forces. in order to oppose the French on that fide. The 13th in the Morning, the Duke was inform'd by Count Wratislaw, that Prince Lewis of Baden was coming Post to meet his Grace; whereupon the Duke sent Colonel Cadogan with a Complement to his Highness. whom he found at Eslingen, with Prince Lobcowiez, his Nephew, and conducted them to Great Heppach. Amongst other Expressions of Civility, that pass'd between Prince Lewis, and the Duke of Marlborough, his Highness said, That his Grace was come to fave the Prince Empire, and give him an Opportunity to Vindicate his Lewis Honour, which he was fensible was, in some manner, at the meets the last Stake in the Opinion of Some People. Mutual Com-Duke of pliments being over, a Conference was held between rough, the Generals, wherein it was refolv'd, That the June 13th Auxiliary Troops in the Neighbourhood should join N. S. the Army on the Danube for some Days, and that Prince Lewis, and the Duke of Marlborough, should have each his Day of Command alternatively, while they continued together; while Prince Eugene should repair towards Philipsburgh, to defend the Passage of the Rhine, the Lines of Scothoffen, the Country of Wirtemberg, or act otherwise, according to the Motions of the French. The next † Day early in the + June 14. Morning, the Horse march'd from Great Heppach. where his Grace staid to entertain Prince Lewis, and Prince Eugene at Dinner, after which the former return'd to his Army on the Danube, and Prince Eugene went Post for Philipsburgh to command the Army on the Rhine. In the Evening the Duke join'd the Troops under his Command in their Troops at Eberspach, where the Prince of Hesse, with Monsieur Bulow, and the Baron de Hompesch attended, to give his Grace an account, that the Troops were all in the Neighbourhood, ready to march to the appointed Rendezvous. On the 16th the Duke march'd with the Horse from Eberspach to Groffen Seinsen; the other Auxiliary Troops marching at the fame time in two Bodies, under the Command of the

Prince of Heffe, and Monfieur Bulow, and encamp'd at some distance from the Duke, but dispos'd, in

fuch a manner, that the whole might be able to join Prince Lewis in one Day's march, as foon as he should make a motion with his Army towards his Grace.

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A. C. 1704.

That Day the Duke had advice from Ulm, that the Elector of Bavaria march'd the 15th with a confiderable Detachment; and a Deferrer, who came in the 18th reported, That some Regiments of his Forces were daily passing the Danube: Which was confirm'd by the Information the Grand Mareschal to the Duke of Wirtembergh receiv'd from Ulm, That the rest of the Elector's Army had pass'd the Danube. and that he had put his heavy Baggage into that City. On the 20th the Duke of Marlborough had an account from the Rhine, that fix Days before the Mareschals de Villeroy, and de Tallard, had a Conference at Landay, but had not undertaken any thing as yet, and

* Inne so, that the Day * this Express was dispatch'd, Prince Eugene was join'd by the Prussian Troops, which N. S. made up his Army on the Rhine near 20000 Men. The 21st of June the Duke of Marlborough decamp'd with the Horse from Groffen-Seinsfen, and in his march was join'd by the Auxiliary Troops of Lunenburg, Hanover and Heffe. The Army encamp'd

The Duke between Launsbeim and Urping, and on the and made Baden. June 22.

joins Prince a Motion in order to join Prince Lewis of Baden at Lewis of Westerstetten, at which place the Right of his Grace's Camp then lay. Printe Eugene of Savoy having defired of the Duke a further Reinforcement of Troops for the Security of the Rbine, and the Lines of Stolhoffen, his Grace thereupon fent Orders to Lieutenant-General Sobelten, to march to the Rhine with the seven Battalions of Danish Foot, which were coming from the Maese, and by this time were advanc'd as far as Frankfort, and to receive Orders from his Highness. On the other Hand, the Elector of Bavaria sent a considerable Detachment to Dillingen and Lawingen, with intent, that upon the advance of the Confederate Army towards the Danube, his whole Forces should policis themselves of that Camp. The 23d Prince Lewis, and the Duke continued in the Camp near Launsheim to form the Line of Battel; and the same day his Grace review'd the 12 Regiments of Foot that came into those Parts the preceding Year, under the command of Lieutenant-General Goor, with the four Battalions of the Duke of Wirtembergh's Troops in the States Pay, which appear'd

† June 24. Compleat, and in very good Order. The next † day the Army march'd from Launsheim and Westerstetten,

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and encamp'd with the Right at Elchingen, near the A. C. Danube, and the Left at Languenaw, where they hal- 1704. ted three Days, and the 28th march'd again, and encamp'd with the Right at Herbresting, and the Left at Gingen, on the River Brentz, within two Leagues of the Elector of Bavaria's Army, which lay between Dillingen and Lawingen with the Brentz between the two Armies. The Twenty Ninth the English Foot and Artillery, who had been join'd in their March by a Battalion of the King of Prussia's Forces, arriv'd in the Camp, and took their Post in the Line, where an Interval had been left for them. The same Day the Generals held a Council of War, wherein it was refolv'd to draw near Donawert; whereupon, the last Day of June the Confederate Army march'd from Gingen, and Herbrechting, and encamp'd with their Right at Lanthautsen, and their Left at Balmershoffen. The first of July they continued their March, in light of the Elector of Bavaria's Army at Dillingen, and encamp'd with their Right at Amerdingen, and their Left at Onderingen. The E. of Bavaria judging rightly from this March, that the Prince and Duke intended to attack Donawart, fent a considerable Detachment of his best Troops to Reinforce Count d'Arco, who was posted at Schellenberg, a rifing Ground near that Place, where he had already cast up great Intrenchments, and employ'd some Thousands of Pioneers for several Days, to perfect those Works which cover Donawert. But not The fight as withstanding that great Advantage, the Duke of Schellen-Marlborough resolv'd to drive the Enemy from that berg near important Post. Accordingly the necessary Orders Donawert were given to the Army, and the next Day his Grace July 2 advanc'd at three in the Morning, with a Detachment of 6000 Foot, and 30 Squadrons of English and Dutch Cavalry, besides three Battalions of Imperial Grenadiers; the rest of the Army, under Prince Lewis, tollowing with all possible Diligence: But the way being very bad and long, the Detachment led by his Grace, cou'd not come to the River Werntz, (or Wernitz) which runs by Donawort, till about Noon, and it was three of the Clock before they could get over that River with their Artillery. The Duke having passed the same at the Head of the Cavalry, view'd the Intrenchments, and made the Necellary

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A. C. Necessary Dispositions for the Attack: In the mean time the English and Dutch Artillery began to thunder against the Enemy; who answer'dit briskly from their Batteries, and made us judge, by their Difpofitions, that the Action would be very hot. Thefe Preparations being over, the English and Dutch, Commanded by Lieutenant General Goor, and Brigadier Ferguson, began the Attack with unparallel'd Valour and Intrepidity before the Imperialifts came up. and met with fuch a vigorous Defence, that they were twice repuls'd; But after an Engagement of near an hour and half, the Imperialifts, being by that time come up, the intrenchments were forc'd, and our Men made a terrible flaughter of the Enemy, purfuing them to the very Danube, where a great part of them follow'd the Example of Count d'Arco, and other General Officers, who fav'd themselves by swiming over that River. We took 15 Pieces of the Enemy's Cannon, with all their Ammunition, Tents. and Baggage, and 13 Colours, belides Count d'Arco's Plate, with other Rich Booty, which was distributed among the victorious Soldiers. All the Confederate Troops that engag'd, behav'd themselves with a great deal of Bravery and Resolution, and the Horse and Dragoons shar'd the Glory of the Day with the Infantry: But the Attack being begun by a Battalion of English Guards, and the Regiments of Orkney and Ingoldsby, they fuffer'd more than any others. It is to be Recorded to the Immortal Glory of the Lord Mordaunt, only Son to the Earl of Peterborough, that of a Detachment of 50 Grenadiers of English Guards. which he led on to the Attack, he escap'd unhurt with only ten of his Men. The Forces of the Enemy confifted of two Battallions of the Elector's Life-Guard, one of Grenadiers, 13 other Bavarian Batallions, 5 French, 4 Regiments of Cuiraffiers of 800 Men each, and 3 Squadrons of Dragoons, making in all about 18000 Men, all choice Troops, Commanded by Count d'Arco, Field Mareschal of the Elector of Bavaria's Forces, Lieutenant General Lutzemburg, and Count Maffey, Generals of Battalia, besides two French Lieutenant Generals. The Duke of Marlborough gain'd great Honour in this Action, giving his Orders with the greatest Presence of Mind imaginable, and exposing his Person to the greatest danger, Nor

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Nor was Prince Lewis of Baden wanting in perform. A. C. ing the Part of a brave and great General. The los 1704. of the Enemy was computed at 1000 Men; nor was that of the Confederates much less; which, however, * See the was abundantly made up by the gaining fo compleat Appendix, a Victory, as gave them a free Entrance into the Numb. II. Duke of Bavaria's Country, and forc'd that Elector & III. to retire under the Cannon of Ausburg. Prince Lewis of Baden, General Thungen, the Hereditary Prince of Heffe Caffel, Prince Alexander of Wirtemburg, the Prince of Saxony, Count Horn, Lieutenant General, the Major Generals Wood and Pallande, and Brigadier Bedmar, were flightly wounded. Lieutenant General Goor, the Prince of Homburg, the Prince of Beveren, the Counts Van Erback and Schuylemburg, and Major General Beinheim, were kill'd; and Count Stirum died not many days after of his wounds. The Elector of Bavaria was no fooner inform'd of the Defeat of his Troops at Schellenberg, than he quitted his advantageous Camp between Dillengen and Lawingen, and came to the other fide of the Danube, over against Donawere * in his march to the River Leeb, . July 3. to prevent the Confederates cutting off his Retreat to his own Country. The same Night he sent Orders to his Garrison at Donawert to let he to the Town, to burn their Bridges, and Magazines, and then to retire, for which end they had put Straw in every House; but the Confederates being advanced into the Suburbs, and laying their Bridge to pals into the Town, the Garrison durst not stay, for fear of CENTRON. having their Retreat cut off, and preferr'd their own Safety before the Execution of their Orders; whereby the Townsmen saved their Houses. The Enemy burnt only their Bridges, and some Magazines, and retired in great half early the next * day; and at * July 4: the same time the Confederates enter'd the Lown Without any opposition, and found in it 2000 Sacks of Meals, and great store of Oats, and all forts of Provision and Ammunition, which the Enemy had not time to deltroy.

The 5th of July the whole Confederate Army For the passed the Danube, over several Bridges of Pontons Metions of made for that purpose near Donawers, and Encamp'd the Confederat Mertingen, in the Elector of Bavaria's Country; rate Army. Whose Army was retreated to the other side the

Lech.

A. C. Lech, and Entrench'd themselves under the Cannon of Augsburg. The 6th was by the Duke of Martha rough's Orders observed as a Day of Thanksgiving for the late Success, throughout his Army; and Prince Lewis also directed To Deum to be sung on this Occafrom in his Camp, and in all the Towns adjoining The Danish Horse, Commanded by the Duke of Wirtemberg, Encamp'd the 5th on the Schellenberg, and having the 6th passed the Danube, marched to the Ground appointed for them in the Camp, where Count Palfi arrived the same Day, with a Compliment from Prince Eugene, to the Duke of Marlbo

The Duke resolving to improve that Advantage

and to press the Enemy, before they recover'd the

rough, upon his Grace's Victory.

great Consternation they were under, order'd Count de Frize, with a Detachment of 4000 Men, and 12 pieces of Cannon, to prepare the Bridges for the Army to pass over the Lech near Ginderkingen, which were finish'd the same Evening, without any oppofition from the Enemy. This Detachment thereupon immediately marched over, and took post in the Country of Bavaria, where they were reinforc'd the 8th in the Afternoon by 6000 Men more. The whole Army marched at the fame time, and came and encamp'd with the Right at Hamler, and the Left at † Ginderkingen near the River: Upon the first notice of our Troops having begun to pass the Lech, the Garrison of Nieuburg abandon'd that Place, and retired to Ingolstadt: Whereupon a Detachment was fent by the Duke of Marlborough, to take Pollession

† Others Spell it Kinderkingen.

N. S.

Nieuburg of Nieuburg; and Prince Lewis of Baden ordered Ge taken July neral Herbeville, who Commanded a separate Body of between 3 and 4000 Men, on the other lide of the Danube, to remain there for the security of a Place of to much importance, for the drawing of Provision out of Franconia, for the sublistance of the Confede rate Army, while they continued in Bavaria. The Enemy having left a Garrison at Rain, a small Town about half a League on the other fide the Lech, the Confederate Generals resolved to attack it; whereup

fluly 10, on the Army decamp'd from Ginderkingen, † paffet the Lech, and came with the Right to Standa, and the Left to Bercheim. The 10000 Men, that had palled the River two days before, were, at the fam

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and had ame time, relieved by 9 Battallions and 15 Squadrons, that A. C. were to carry on the Siege of Rain, under the Command of the Count de Frize, to favour which Enterprize, the Army made a motion to the Right on the 12th of July, N. S. The next f day the Count de + July 13. Veblen, General of the Palarine Horse, came to the Confederate Camp, with Advice from Prince Eugene, that the Mareschals Villeroy and Tallard; with an Army of 45000 Men, had passed the Rhine above Fort Kiel, giving out they intended to Succour the Elector of Bavaria, which was not doubted but one of them, at least, would attempt; and, therefore his Highness defined a reinforcement of Horse, that he might the better be able to observe the Enemies Motions. Thereupon Prince Maximilion of Hannover, was detach'd with 30 Squadrons of Imperial Horse. with orders to join Prince Eugene with all possible diligence; and the Duke of Marlborough sent likewise an Express to acquaint the latter, that if he thought necessary a further Number would follow. fame night the Trenches were opened before Rain, and our Approaches were carried on with fo good Success, that by the 16th in the Morning the Garrison delired to Capitulate, and the Articles being agreed upon, they marched out the next day, to the number of about 400 Foot, Commanded by the Count de Mercy, Brigadier General, and were conducted by a Party of Horse to the Elector of Bavaria's Camp near Augiburg. A Detachment of 400 of Rain taken our Men took possession of the Place at the same July 17. time, and we found there 24 Brafs Cannon, and some Ammunition, belides a confiderable quantity of Corn, with other Provisions, which were ordered to be applied to the use of our Troops. Orders having also been given for the providing Magazines at Newbourg and Rain, for the subfiltence of our Forces. we decamped the lame day from Burcheim, and came with our Right to Holtz, and our Left to Oosterhau-Jen. The 18th we continued our March, and encamped with our Right at Kuepach, and our Left at dicha, a very fine Town, where the Generals took their Quarters, and caused a Magazine to be erected.

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Marlborough. t See the Appendix. Numb. IV.

The Emperor having a grateful Sense of the fig. nal Service perform'd by the Duke of Marlborough at Schellenberg, writ a * Letter of Thanks to his * The Em. Grace, on occasion of that Victory; wherein his perer writes Imperial Majesty attributes, in a special manner, a Letter of the Success of that day to his Grace's Conduct, and Thanks to the Valour of the English Troops; not doubting the P. of but his Grace, in Conjunction with Prince Lewis of Bailen, and the other Imperial Generals, would use their utmost endeavours to finish the Work, as glorioully as they had begun it; and put an end to the War which the Elector of Bavaria had rais'd in the heart of the Empire; which would be an eternal Monument and Trophy of the highest Glory to the English Nation, and Her most Serene Majesty. whose Ancestors had never before carried their Victorious Arms into Upper Germany. Upon the delivering this Letter to the Duke, Count Wratislaw told his Grace; 'That the Emperor defired he would

'accept of the Honour, intended him of the Title and Dignity of a Prince of the Empire; whererefules the upon his Grace pray'd the Count to represent to the Emperor, 'That he was extreamly fenfible of Title of Prince. his Imperial Majesty's Goodness towards him, be-

yond any thing he could deferve, but that his Ambition was entirely bounded in the Queen's Grace and Favour, whose abundant Kindness had been already extended towards him, beyond whatever he could have aim'd at, and that he must refer himself wholly to her Majesty's Pleasure. Thereupon the Emperor writ, with his own hand, a Letter to the Queen, wherein, after a Congratulation for the late Victory against the French and Bavarians near Donawert, ascrib'd principally to the Valour of the English Troops, by the Courage and Conduct of her Majesty's General, the Duke of Marlborough; His 'Imperial Majesty desired the Queen to lay her Commands on my Lord Marlborough, to accept a Testimony of his Imperial Majesty's Acknowledgment of

his Services, fince the Duke himself, when the Count Wratislaw intimated to him his Master's Intention, made some difficulty to admit it. Monfieur Hoffman, the Emperor's Relident at the Court of Euro

* July 23. land, * seconded this Letter with a short Speech, to acquaint the Queen, That he had Orders from O.S.

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that her Majesty would be pleased to require his 1704. Grace to make no further scruple in that matter. The Queen was, at last, prevail'd upon to comply with the Emperor's desire; but before her Pleasure could be made known to the Duke of Marlborough, his Grace had merited the Honour his Imperial Majesty intended him, by an Action that will Immortative his Name, and raise him to the Level of the most

celebrated Captains.

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The Confederate Army under Prince Lewis, and the Duke of Marlborough, having rested two days at Aicha, made a small March from thence on the 21st of July, (N.S.) the Right advancing about half a League on this fide that Town, and the Left to a Village call'd Roerbach. The next morning the Duke of Marlborough, with the Piquet of the Cavalry of the Left, and a Detachment of 500 Foot, croffed the Paer, and marched to view the Ground for a Camp near Friedberg, where the Enemy had put a Garrison of 200 Foot, and as many Horse, who, as soon as his Grace came upon the Plain, within fight of the Town, retired towards their Army, driving before them their Horses that were grazing near the Town. which they had not time to mount. Three Squadrons of Dragoons were thereupon ordered to cut off their Rear; but by reason of the Ways thro' which our Men were to pass, they could not come up time enough to prevent their Escape: However, they took above 100 Horses in the Town, and pursued the rest to their Grand Guard, which, upon their Approach, retir'd under the Protection of their Camp. His Grace went into the Town, where he left 400 Foot and 100 Horse, under the Command of the Lord North and Grey, and then return'd to the Camp. 23d our Army marched again, and encamp'd with the Right at Wolfurtshausen, and the Left at Oostmaring; the Town of Friedberg being in the Center of the Line, and within a League of Augsburg, so that the Elector of Bavaria's Communication with his own Country, was in a manner entirely cut off. We receiv'd Advice from Prince Eugene, that the Mareschal de Tallard was arrived the 18th at Villingen; whereupon his Highness was marched with 20 Battalions, and 60 Squadrons, including the 30 lately fent from 65

our Army, to observe his Motions, having left the

rest of the Troops under the Command of Count

A. C. 1704.

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Nassau Weilbourg, to defend the Lines of Stolboffen The Hereditary Prince of Heffe Caffel return'd from Donawert to the Army, though he was not yet quite recover'd of the Wounds he receiv'd in the Action on the Schellenberg, and the Duke of Marlborough de. clar'd him General of the English and Dutch Horse The 26th our Army made a general Forrage in fight of the Enemy's Camp, without any loss; and that Evening Information was brought, that the Marel chal de Tallard, after he had been battering the Town of Villingen fix days, had been oblig'd, upon Prince Eugene's advancing the 23d to Rotweil, to rail the Siege; That he marched two Leagues the same day, and was the 24th at Dutlingen: And that Prince Eugene would march on the other fide of the Danube, to observe him. The 28th the Duke of Marlborough reviewed the Troops of our Left Wing, which appeared in very good Order; several of the Officers and Soldiers, that were wounded at the Action on the Schellenberg, being returned to their Regi-

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It was reasonable to believe, that after the defeat at the Schellenberg, which had been attended with the Conquest of Donawert, Nieuburg and Rain, the E lector of Bavaria would have made use of the favourable dispositions the Generals of the Confederate express'd towards him; fince they took no other Advantage of their late Successes, and great Superiority than to offer him such Terms of Accommodation, a confidering the present condition of his Affairs, he ought not to have expected. But, tho' that Prince had approved the Articles which had been agreed on between Count Wratislaw, and Monsieur Prilmeyer and had promifed to come in Person, to the Confede rate Camp to fign them; yet he recall'd his Word upon Advice, that Mareschal de Tallard had passed the Black Forrest, to come to join him, and sent back The Elector his Minister to acquaint Count Wratislaw, 'That fince the King of France made fuch powerful Effort to support him, he thought himself obliged in Ho nour to remain firm in his Alliance. This Breach

of Promise of the Elector was highly, and, indeed

very justly referred by the Duke of Marlborough and

of Pavatia refufes to fign an Accommo dation.

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Prince Lewis of Baden, who thereupon † Commanded A. C. out the Count de la Tour, General of the Imperial 1704 Horse, and the Count de Oostfrieze, Lieutenant General in the Service of the States General, with 30 Squadrons + July 29. of Horse and Dragoons, to plunder and burn the N.S. on Country of Bavaria as far as Munich, the Capital Ci-His Couny; hoping, that either a generous Compassion fortry put unhis desolate Subjects, or the want of Subsistence, der Militathe would conquer the Elector's Obstinacy. Upon no-ry executiice of the Commission gave to General de la Tour, on. he Inhabitants of several Places fent Deputies to the the Duke of Marlborough, offering to pay large Contri-butions, to prevent Military Execution; but his The D of noo aife Grace told them, That the Forces of the Queen of En-Marlbohat ring their Prince to Reason: On the last day of July, suses Gon-the N. S.) upon Advice, that the Elector of Bavaria tributions. me of had fent a Detachment of Horse towards Landsperg, ng, he Duke of Wirtemberg was immediately fent out the with 2000 Horse and Dragoons to observe them; cti-but intelligence was foon after brought to the Geneegials of the Allies, that the Enemy's Detachment confeat lifted only of 4 Squadrons, which were fent to reinorce the Garrison of Munich. Fresh Orders were the hen dispatched to the Duke of Wirtemberg, to join E with the Count de la Tour, in the Execution of his Commission, which having been perform'd with utnost Severity as far as Munich, whereby the Enemy Advas depriv'd of all manner of Subfistence on that rity ide, those Generals rejoin'd the Army on the 3d of

the The Duke of Marlborough and Prince Lewis finding income that the Elector of Bavaria was still inflexible, and hat it was not possible to attack him in his Fortified Camp, under the Cannon of Augsburg, without infiite Disadvantage; and considering, besides, that Mareschal de Tallard was advancing with a consideaffed able Body of Forces, they relolved to attempt the back educing of the strong Places of Bavaria, and to bein with Ingolftad. Prince Lewis undertook to Comfort and and carry on the Siege with the Imperial nand, and carry on the Siege with the Imperial Ho Froops, and the Duke of Marlborough to cover it with lead he Auxiliary Forces, which, in case of need, might e join'd by those under Prince Eugene, who by this rince was advanced to Dillingen. Thereupon the

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Confederate Army marched back on the 4th of Ail gust, N. S. from their Camp at Friedberg towards Aicha, burning all the Villages they had spared before between those two Towns, and having passed the Paer, came and encamped that Night at Kiebach, (or Kippach) their Left Wing reaching to Aicha, and the Right beyond the Castle of Winden. The next day the Army passed again the River Paer, near the Town of Schrobbenhause, leaving it to their Right, and encamped the Lest Wing at a Place called Kloss. Sterberg, above the little Town of Hogewaert, (or Hochwaert) and the Right behind the Town of Schrobben-The same day Prince Lewis of Baden went to Nieuburg, to view the Artillery, and other Prepara. tions for the Siege of Ingolftadt.

Tallard joins the Elector of Bavaria, Aug. 4. N. S. + Aug. 5.

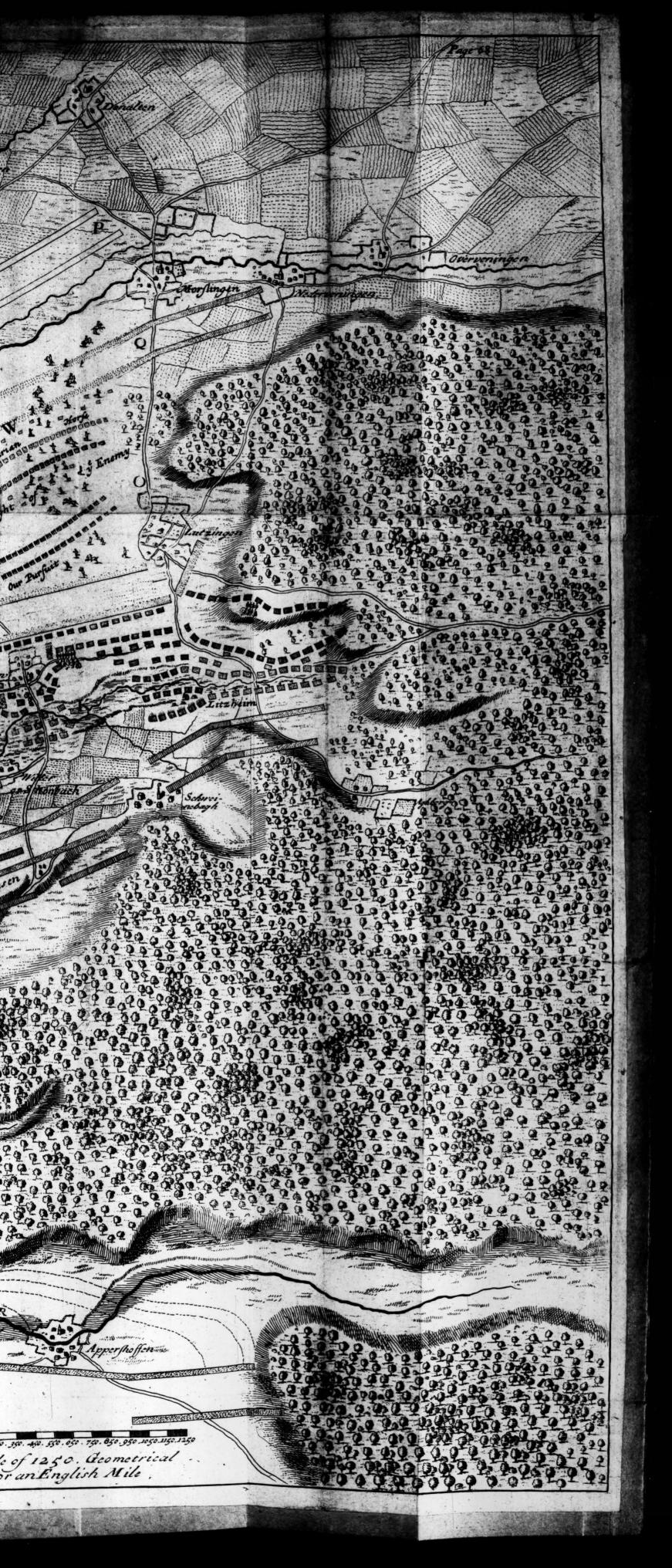
On the other hand the Mareschal de Tallard with about 22000 Horse and Foot, being come to Bibe. rach on the 4th of August in the morning, he left his Troops, and went to the Elector's Camp. His Electo. ral Highness, after having left Monsieur de Chamarante in Augsburg, with 8 Battalions and 4 Squadrons of French Troops, † marched with the rest of his Forces to join the new Auxiliaries of that Nation at Biberach, as with intent to pals the Lech at that Place, in order to attack the Confederate Army. But this Feint wa only to cover his true design, which was to pass the Danube at Lawingen, and to fall on the Army which Prince Eugene had brought from the Lines of Biehl and which was then Encamped at Hochster, before hi Highness could be reinforced.

The 6th of August, Prince Eugene having left h Troops at Hochstet, went to the Main Army to con fer with the Prince of Baden and the Duke of Mar borough; and taking notice, in his way, of a Tracto P. an of the Ground very proper for a Camp, being a Height the

reach'd from the Villages of Munster and Erlingh ven, to the Wood near Appershoven, with a Rivul before it, he thereupon fent Orders to his Army, come and possess themselves of that advantaged Post; which was put in Execution that very Nigh The fame day the Duke of Marlborough having rece yed Intelligence, That the Elector of Bavaria w come out of his Intrenchments, and was encampe by Tirhaupten, on the other fide of the Lech, between Biberach and Cloofter-holts, it was refolv'd to obsen him, and to advance towards Donawert. On the 7

Sec the Buttle.





goo Imperial Horse were detached under Count A. C. Merci, Major General, to streighten the Town of 1704. ingolftade on one fide, whilft Brigadier Baldwin, who from the 14th of July had been commanded out to-Ingoldwards Rain with 500 Horse, receiv'd Orders to In. stadt invest the same Place on another side. The same day vested. Prince Lewis return'd to the Camp, where he held a Council of War with Prince Eugene, and my Lord Duke; in which it was agreed, to continue in their late Resolution of Prince Lewis's Besieging Ingolftadt. whilft the other Two should observe the Elector of Bavaria. The 8th the Army under the Duke of Marlborough marched from Hogewaert to Zanditzell, and that of the Emperor, under Prince Lewis, on the other fide the little Town of Potmes or Beemen, which was already reduc'd in Ashes. The 9th the Duke advanced within two Hours march of Rain. and potted his Left Wing near Enheim, and his Right at Tillingen, and here Prince Lewis went another way, and bent his March directly to Nieuburg, to repair from thence before Ingolftadt. He took with him two Pr. Lewis and twenty Battalions of tot, the Regiments of goes to Be-Horse of Cronsfeld and Hobenz Sollern, the Cuirassiers fiege Inof Merci, and the Dragoons of Castelli, leaving in golstadt. the Duke of Marlborough's Army, under the Command of the Duke Regent of Wirtemberg General of the Horse, the Cuirassiers of Zanthen and Cusani, the Dragoons of Styrum and Aufffaiz, being Troops of Franconia, two Squadrons of Horse Grenadiers of Wirtemberg, and three other, in all 28 Squadrons. The same day (Aug. 9) my Lord Marlborough was inform'd, that the Enemy marched from Bieberach to Lawingen, in order to pass the Danube there. Prince Eugene, who had taken his Leave of my Lord Duke. in order to return to his Army, came back not many Hours after, to tell his Grace, that he had received the same Advice; whereupon, having consulted together, near two Hours, the Prince went back again, and re-join'd his Army the 10th at Break of Day. My Lord Marlborough, at Two of the Clock in the Morning, order'd the Duke Regent of Wirtemberg to go before, with the twenty eight Squadrons under his Command, causing him to be follow'd, a lew hours after, by 20 Battalions under the Command of General Churchill, and directing them both

to use all imaginable Diligence to join Prince En 1704: gene, with Promise that he would soon be with them, with the rest of the Army. Accordingly, his Grace continued his March on the 10th towards Rain, and encamp'd with his Right at Middlestad, and his Lest at Pluckingen, having the Town of Rain in their Front, and the Quarter General at Nederschonevelt. where Bridges had already been laid cross d the Danube. The same day the Prince of Wirtemberg, with the Horse and Dragoons, and after him General Churchill, with the Foot and Artillery, passed that

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River on the Bridge that was at Merxen:

When Prince Eugene came the 10th, early in the Morning to his Army, he found them ready to march, to go and possess themselves of the Intrenchments of Schellenbergh, whither those that Commanded in his Absence had already sent Workmen, to put them again in a State of Defence: not judging it convenient to expect the Enemy in the Camp of Munster with an Army that did not exceed 18000 Men. But the Prince caus'd the Tents to be immediately fet up again, contenting himself with sending the Baggage to Donawert, rightly conjecturing, that the Enemy, who pass'd that day the Danube at Lawingen, could not come near his Army that same Evening, and that it would not be impossible for him to maintain the important Post of Munster, till my Lord Marlborough had join'd him. In the mean time, to be throughly informed of the Motions of the Enemy, he fent out 5 Squadrons towards Hochster, which being return'd, reported, that the Enemy after having passed the Danube, had not retaken their ancient Camp between Lawingen and Dillengen, but that their Right extended as far as Steinheim, and that their Left was at Lawingen. Thereupon the Prince dispatch'd an Express to my Lord Duke, to acquaint him with it, and to defire him to haften his march. And, because it was most plain that the Enemy, who were well inform'd of the weakness of the Prince's Army, were so far advanced that Day, only with defign to attack his Highness the next, the Prince caus'd all his Infantry, and part of his Cavalry, to march to the Camp of Schellenbergh, keeping only with him 22 Squadrons of Dragoons of his own Army, with the 28 Squadrons which the Duke Regent of WirtemEu.

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there had brought to him. He pass'd the Night with A. C. these sew Troops in the Camp of Munster, keeping 1704. The Horses ready Saddled, with resolution to preserve that Post, if possible, tho' without coming to an Engagement, till he had been join'd by the Duke of Marlborough.

The 11th the Express sent to my Lord Duke came back, and inform'd the Prince, that his Grace was upon his March ever since two of the Clock in the Morning, with design to join his Highness that very Evening at the Camp of Munster. He added, that the 20 Battalions under General Churchill, were very near; whereupon the Prince, who on the other Hand was inform'd by his Parties, that the Enemy made no motion that Day) caus'd all the Troops, which the Day before he had sent to Schellenberg, to return to the Camp of Munster. General Churchill The D. of came there betimes with his 20 Battalions, and in Marlho-

came there betimes with his 20 Battalions, and in Maribothe Evening my Lord Duke arriv'd with his whole rough joins
Army, the first Line of which had pass'd the Lech
pear Rain, the Danube at Donawert, and the Wernitz near this last place; and the second Line had
passed the Danube at Schonefeld, and the Wernitz at
Oppersmorgen. All the Troops being thus join'd, en-See the Plan
camp'd between the Villages of Munster and Erling- of the Basi-

boven, and that of Appershoven.

The 12th, at break of Day, our Generals went to view the Enemy's Army, taking with them all the Piquet, which confisted of 28 Squadrons. would have caus'd the Army to advance as far as Greinheim and Wolperstette, but that they perceiv'd 20 Squadrons of the Enemy in the Plain of Overklaw; and from the Height (C) which is by the corner of the Wood near Wolperstette, they law, by means of Perspective Glasses, that all the Enemy's Army was in motion, and their Horse marching forward. Prince and my Lord Duke went up to the top of the Tower of Thiffingen (or Daapfheim) the better to view the Enemy, and took notice, that the advanc'd Squadrons of the Enemy stopt short, after they had perceiv'd Ours. At One of the Clock in the Afternoon, we saw the Quarter Masters of the Enemy's Army let up their Camp Standards, and mark the Camp from Bleinheim to Lutzingen. Our Generals being return'd to our Army, order'd the necessary

A. C. 1704

Passages to be made; whereupon Pioneers were sent near Thiffingen, to make Bridges of Communication on a Rivulet, which, indeed, was narrow, but had high Banks. The Men were hardly at their Work, when the advanced Guards of the Enemy came as far as between Schweiningen and Thiffingen, and their Hussars obliging our Pioneers to retire as far as our Advanc'd Guard, which gave the alarm to our Camp, the Duke of Marlborough returned that way with all the Piquet, seven Squadrons of Dragoons, which were encamped before the Quarter General, and five English Battalions of Row's Brigade, with the Battalion of English Guards, which were follow'd by a Brigade of Hesse, and a good part of our Army: But being come to the Rivulet, where the Pioneers had been repulsed, they found that the Enemy not only retired, but return'd full Gallop to their main Our Advanc'd Guard was reinforced, and lett under the Command of a Major General; and the two Brigades of Foot, which were in the Village of Thiffingen, were also left under the Command of a like Officer, who posted his Men in the Hedges thereabouts.

See the AFpendix, Numb. XVII.

At Four in the Afternoon we plainly discover'd from the Tower of Thiffingen the Enemy's Camp, their Tents being fet up; and law, that they were polles'd of a very advantageous Post on a Hill; that their Right Flank was cover'd by the Danube, and the Village of Bleinheim, and their Left by the Village of Lutzingen; and that they had before them a Rivulet, whole Banks were high, and the bottom Marshy; so that it was thought at first to be unpassable, as indeed it was afterwards found to be in feveral Places. In these Circumstances 'twas thought a very hazardous Enterprize, to attack fo numerous an Army, in lo advantageous a Post, which we could not approach, but by Filing of, and by Passing, in view of the Enemy, a marshy Rivuler, which could not be done But then there seem'd to be an indispensible Necessity of Falling immediately upon the Enemy, before they had time to Fortify them-

Res ons that moves in good Order. the D. of Marlborough and selves in that Post. For, besides that our Army should have wanted Forrage much sooner, than Pr. Eugene to en- Ingolftadt could have been taken, our Generals gage the were well inform'd, that the Mareschal de Villerby Enemy. leaving

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leaving Monsieur de Coigny in the Camp near Offen-burgh, with a Body of Troops sufficient to keep within the Lines of Biebl the Forces we had there. was ready to make an Irruption into the Country of Wirtemberg with another Body, which might have acted in concert with the Elector of Bavaria, and have been reinforced by Detachments from that Prince's Army, to fall afterwards on the Rear of the Lines of Biebl, so that thereby the French Armies would have established a free Communication from the Rhine to the Danube, and have forc'd all to fubmit as far as the Meja whilft the Elector from his Camp at Hochstedt, might have ruin'd a great part of the Circle of Franconia, and have brought things to that pass, that the Auxiliaries, under the Duke of Marlborough, should not have been able to find either Sublistence or Winter Quarters on the Danube, and in the Upper Germany; tho' on the other Hand, that great and seasonable Supply, could not have left the Empire in the Winter, without exposing it to the brink of Ruin, and leaving an entire Superiority to the Enemy. These prevailing Reasons, made the Duke of Marlborough and Prince Eugene resolve to Fight: Whereupon that very Night all the necessary dispositions were made for the Attack, and the Baggage sent to Rietlingen, a Village between Munster and Donawert.

Our Army had 52 Pieces of Cannon, and confifted The Buttle of 66 Battalions and 178 Squadrons, which might a of Bleinmount to 50 or 52000 Men. That of the Enemy heim, was near 60000 strong, consisting of 82 Battalions, Aug. 13. and 160 Squadrons, with 90 Pieces of Cannon, 8 of N. S. which were 24 Pounders. Their Right Wing was

Commanded by Mareschal Tallard, and made up of the Army he had brought up to the Elector's Assistance, consisting in 60 Squadrons, and 40 Battalions of the best Troops of France. On the Lest was the

Elector with the Bavarians, and the Mareschal de Marsin, with the French Troops under his Com-

The 13th of August, a Memorable Day, on which the Fate of the Empire, or rather all Europe, was decided; about 3 in the morning, the Confederate Army began to pass the Rivulet, called Kessel, on several Bridges that had been prepared the night be-

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fore. They filed off in eight Columns, of which two of Imperial Foot, marched quite to the Right of all, rowards the Height along the Wood, having two Columns of Imperial Cavalry to their Lett. The Left Wing, which was composed of the Auxiliaries. marched also in four Columns, to wit, two of Foot on the Left of the Imperial Horfe, and two of Horfe on the Left of all, Thus the whole Army advanced as far as the Rivulet near Thiffingen, where the Ad. vanced Guards were ordered to return to their respective Bodies, and the two Brigades of Hessian Infantry, which had been to in that Village, under the Command of Major General Wilks, with 15 Squadrons which the Duke of Marlborough commanded out, formed on the Left of all a ninth Column, and fo we marched towards Schweiningen. As foon as the nine Columns were arrived between that Village and the Wood, we made a Halt to observe the Enemy, whom we did not perceive to make any great Motion. About fix of the Clock in the Morning, the Duke of Marlborough and Prince Eugene, who had posted themselves on a * rising Ground, call'd to Plan, Lt. them all the Generals, to give them the necessary Directions, in order to attack the Enemy, and then the Army advanced to the Plain, and were drawn up in order of Battle. The Left Wing confifting in 48 Battalions and 86 Squadrons, whereof 14 Battalions and 13 Squadrons were English Troops 22 Squadrons Danish; 14 Battalions and 19 Squadrons Dutch; 13 Battalions and 25 Squadrons of the Forces of Lunenburgh; 7 Squadrons of the Troops of Heffe, and fome Troops of Wirtemberg. About Seven of the Clock, before our Army was quite drawn up in Ba-

talia, the Enemy, at the Approach of our Vanguard, gave a Signal, by firing two pieces of Cannon, to call in their Forragers; fet the Villages of Onderklaw, Wolperstette, Weiler, Berghausen and Sweinenback on fire, and we saw all their Camp in motion, their Generals with their Aids de Camps, Galloping to and fro, to put all things in order. On our fide two Brigades of Foot, Commanded by the Lord Cutt

Lieutenant General, the Major Generals St. Paul and Wilks, and the Brigadiers Row and Ferguson, and sup-

ported by 15 Squadrons under the Command of Ma jor General Wood, were order'd on our Left, to polQueen ANNE's Reign.

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A. C. 1704.

In the mean time our Army advanced as far as the Morafs, which being found Marshy, and unpassable for the Infantry, we quickly made five Bridges. (mark'd F in the Plan) with the Planks of our Pontons; and repaired the Bridge (mark'd G) on the high Road, which the Enemy had destroy'd. At the same time Prince Eugene caus'd the Right Wing to march along the Wood, to fall on the Flank of the Elector, who did extend his Left proportionably, to prevent Pr. Eugene's gaining his Flank, and in order roface him. The Enemy fearing also lest we should gain the Flank of their Right Wing, by poffessing our selves of the Village of Bleinheim, sent that way feveral Detachments of Foot, and placed in it 28 Battalions, and 12 Squadrons of Dragoons; they posted also some Infantry in the Villages of Overkland and Lutzingen, which extreamly weaken'd their main Battalia, and was one of the principal Causes of their Defeat.

To favour the Passage of the Left Wing; the two Brigades of Foot, commanded by the Lord Cates, were order'd to go over the Rivulet first; which done, they posted themselves in a bottom, near the Village of Bleinheim, and, for several Hours, with wonderful Resolution, stood the Fire of Six Pieces of Cannon planted on the Height near the Village. At the same time, the Enemy fired very briskly on the Bridges that were laid for the Passage of our Insantry; but we quickly answer'd their Batteries by two of ours, the one * English, the other Dutch .* See the Which Cannonading did considerable Execution on Plan, Let-

Which Cannonading did considerable Execution on Plan, Lesboth sides. About twelve of the Clock at Noon all ter E. things were ready on our Lest-wing for the Attack; and because it was sound, that in several Places the Horse would want Fascines to pass the Morass, orders were given that the Horse of our Second Line should provide themselves, each Squadron with 20 Fascines. By this time a good part of the Insantry of our main Battallia posted themselves in and about the Village of Onderklam, and the Prince of Holstein-Beck possess d himself of that of Weiler or Schonback, and caus'd a Counter-Battery to be erected there.

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A. C. 1794

All these Preparations being made, the Duke of Marlborough gave Orders for a general Attack, which was begun on the Left at three Quarters pail Twelve Major-General Wilks made the first Onset, with the five English Battalians of Hom, Ingoldsby, Marlborough, Row, and North and Grey, and four Battalions of Hessians, Supported by the Lord Cutts, and Major General St. Paul, with eleven other Battalions; and the 15 Squadrons of Horse, under the Command of Major General Wood. The five English Battalions led on by Brigadier Row, who charg'd on Foot at the head of his own Regiment, with unparallel'd intrepidity, affaulted the Village of Bleinheim, advancing to the very Muzzles of the Enemy's Muskets; and some of the Officers exchanging Thrusts of Swords. with the French thro' the Palissadoes. But being expos'd to a Fire much superior to theirs, they were foon forc'd to retire, leaving behind them near one third Part of their Men, either kill'd, or mortally wounded, and amongst the latter, Brigadier Rom himself. In this Retreat they were pursued by 12 Squadrons of the French Gendarmerie and Carabiniers, who would have entirely cut them in pieces, had not the Hessian Infantry stopt the Carier, of the Enemy, by the great Fire they made upon them. The French being repuls'd, and forc'd to fly in their turn, were chased by five Squadrons of English Horse, who by this time had pass'd the Rivulet; but whilst they rallied themselves, some tresh Brigades of the Enemy, superior in number, charg'd our Horse with great Vigour, and obliged many of them to repass the Rivulet with Precipitation. Here again the Heffan Foot perform'd notable Service, putting the Enemy to the Rout by their continual Fire, and Regaining a Colours which they had taken from Row's Regiment. Whilft Row's Brigade rallied themselves, that of Ferguson, commanded by himself, attack'd the Village of Bleinheim on the left, but with no better Success; and the both return'd three or four Times to the Charge with equal Vigour, yet they were both still repuls'd with like Disadvantage, so that it was found impossible to force the Enemy in that Post, without Sacrificing entirely our Infantry.

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The English Foot having thus began the Engage- A. C. ment on the Left, the Horse of that same Wing 1704. pass'd the Rivulet pell-mell over against the Center, or Main Battalia, of the Enemy, The Horse of our Right Wing did also pass the Rivulet, having made several Passages with divers Pieces of Wood, which they found at hand. In a word, all pass'd and drew up in order of Battle, as well as the Ground would permit, on the other fide of the Rivulet. The Ene- See the Apmy gave us all the time we wanted for that purpose, pendix, keeping themselves very quiet on the Hill they were 35. posses'd of, without descending into the Meadow towards the Rivulet, infomuch, that even the fecond Line of our Horse had time to form themselves: And to this Capital Fault of the French, we ought principally to ascribe our Victory. The Cavalry of our Left going up towards the Hill, that of the Enemy began to move at last, and charg'd our Men with a great deal of Fury. The French Infantry, which was in the Village of Bleinheim, made, at the same time, from behind some Hedges of that Village, a terrible Fire on the Flank of our Cavalry, which were advanc'd too near that Village; so that the first Line of Horse of our Lest from the head of the Line, to the 3 Regiments of the Troops of Hanover, to wit, the Electoral Regiment, that of Voige, and that of Noyelles, was put into fuch Disorder, that part of them retired even beyond the Rivuler. Hereupon Lieutenant General Bulow, Commander in Chief of the Troops of Lunenburgh, brought up from the Second Line his own Regiment of Dragoons, and two of the Troops of Cell, to wit, that of Major General Villers, and that of Brigadier Bothmer, which charged the Enemy's Horse with so much vigour, that they broke them, and drove them beyond the second Rivulet call'd Meulweyer, and from thence to the very Hedges of. the Village of Bleinheim. This gave time to those of our Men that had given Ground to repass the Rivulet, and to form a Second Line behind those Regiments of Dragoons, and some others that had join'd them; so that those Dragoons remain'd in the first Line, all the remaining time of the Action. Cavalry of our Left having by this Success, gain'd the Advantage of forming themselves entirely in order of Battle, advanc'd leifurely to the Top of the Hill.

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A. C. Hill, and charg'd several times the Enemy's Horse who were always routed, but who, nevertheles rallied every time, tho' at a confiderable Distance, which gave us an Opportunity to gain Ground. As we were preparing for a fresh Attack, Mareschal de Tal. lard caused ten of his Battalions to advance to fill the Intervals of his Cavalry, in order to make a last Effort; which the Prince of Heffe Caffel, General of the Horse, and the Lieutenants-General Lumley, Bulow, Hompesch and Ingoldsby, perceiving, they caused three Battalions of the Troops of Cell to come up to fultain our Horse. Then we return'd to the Charge; but the superior Fire of the Enemy's Infantry put our first Line into some disorder, so that it shrunk back, and remain'd, for some time, at about 60 Paces distance from the Enemy, neither Party advancing against the other. At last our Men renew'd the Charge, and did it with fo much Vigour and Success, that having broke and routed the Enemy's Horse, the ten Battalions, who found themselves abandon'd by them, were entirely cut in Pieces; none escaping but a very few Soldiers, who threw themselves on the Ground as dead to save their Lives. Mareschal de Tallard rallied his broken Cavalry behind some Tents, that were still standing in his Camp, and feeing things in this desperate Condition, he resolv'd to draw off his Dragoons and Infantry

See the Ap-out of the Village of Bleinheim. Thereupon, 'He pendix, p.' fent one of his Aids de Camp to Mareschal de Marsin, 34. 'to desire him to Face the Enemy with some Troops

on the Right of the Village of Overklaw, to keep them in Play, and favour the Retreat of the Infantry that was in Bleinheim. But Marsin represented to Tallard's Messenger, that he had too much Business in the Front of his Village; (where he had to deal with the Duke of Marsborough in Person) and the rest of the Line, to spare any Troops, he not being Victorious, but only maintaining his Ground. In the mean time Lieutenant-General Ingoldshy made the Prince of Hesse, and the Lieutenants General Lumley and Hompesch sensible, how easily it would be

In the mean time Lieutenant-General Ingoldsby made the Prince of Hesse, and the Lieutenants General Lumley and Hompesch sensible, how easily it would be intirely to defeat the French Cavalry by charging them on their Right-Flank: Which advice being put in Execution with a great deal of Vigour, the Enemy were presently disordered, and put to flight, and their Rout was entire. Part of them endeavour'd A. C. to gain the Bridge they had on the Danube, between 1704. Bleinheim and Hochstet, the other part among whom were the Gens d'Arms, were closely pursued by the The French Dragoons of Bothmar, and those who escap'd being entirely kill'd, threw themselves into the Danube, where routed. most of them were drowned. Those who fled towards Hochftet rallied once more, making a flow to fuccour the rest, but the Regiment of Bothmar faced them, and kept them in awe for some time, and being at length join'd by some other Regiments, the Enemy fled full Gallop towards Hochstet. The Mareschal Mareschal de Tallard was invelop'd with the Run de Tallard aways, and taken near a Mill behind the Village of Sonderen, not far from the Danube by Monsieur de Boinenbourg, a Lieutenant-Colonel of the Troops of Heffe, and Aid de Camp to the Prince of Heffe Caffel. The Marquis de Montperous, General of Horse, de Sep.

peville, de Silly, and de la Valiere, Majors General; Monsieur de la Messiliere, St. Pouange, de Ligondais, and several other Officers of Note, were also made

Prisoners in this Rout.

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While these things pass'd at the Village of Bleinheim, and in the Center, the Duke of Marlborough caused the Village of Overklaw, Mareschal de Marsin's Quarters, to be attack'd by the Brigade of B rensdorf, confifting of ten Battalions. The Prince Holftein Beck, who commanded them as Major-General, pass'd the Rivulet at the Head of two Battalions, with a great deal of Refolution; but as the Imperial Cavalry which was to have supported him, was above two Musket Shot from him, he was hardly gone over when seven or eight of the Enemy's Battalions fell on him with great Fury, before he could form his two Regiments; so that that of *Goor * See the was almost intirely cut in Pieces, and the Prince Plan, Lethimself desperately wounded, and taken Prisoner. ter K. Our Men being fultain'd by some Danish and Hanoverian Cavalry charg'd a second Time, which had no better Success; but the third Time the Duke of Marlborough having himself brought up some Squadrons, which were supported by others of the Body of Reserve, made them advance with some Battalions beyond the Rivulet; whereupon the Enemy began to retire.

1704.

See the

Plan.

As foon as the Duke had perform'd this confideral ble Service, his Grace repaired to the Center, where finding the Action decided in our Favour, he caus'd part of his Victorious Cavalry to halt, to observe the Motion of that part of the Enemy, which by this time was drawn up beyond the Morals of Hochster, During this halt the Elector of Bavaria was perceiv'd making his Retreat from the Village of Lutzingen; upon which orders were dispatch'd to General Hom. pefch, who with feveral Squadrons was purlying the Enemy towards Morfelingen, and who had already overtaken two of their Battalions, and forc'd them to lay down their Arms: Orders, I say, were sent to him to face about, and march to join those that halted; as well to prevent the Elector's falling upon Hompesch's Rear, as to form a Body in order to charge that Prince, who march'd in great hafte, but in pretty good order with his Squadrons on the Left, and his Battalions on the Right. Before General Hompesch rerurn'd from his Chace, the Right-wing of our Army was perceiv'd t at some distance behind the Elector; and appearing to be part of his Army, marching in fuch a manner as might easily have flank'd us, had the Duke of Marlborough immediately charged him, his Grace, with great Prudence, fent out a Party to view them. During this time the Elector continued marching off with great Precipitation, till he reach'd the Morass of Morselingen. The French Horse being entirely defeated, and our Troops Masters of all the Ground, which was between the Enemy's Left, and the Village of Bleinheim, the 28 Battalions, and 12 Squadrons of Dragoons which were in that Village, found themselves cut off from the rest of their Army; And despairing of being able to make their Escape, after a weak attempt to repulse our whole Infantry that surrounded the Village, they capitulated at last about 8 of the Clock; laid down their Arms; deliver'd their Colours and The French Standards; and furrendred themselves Prisoners of in Blein- War, on Condition, that the Officers should not be

of the 40 Battalions, which the Mareschal de Tallard

had brought to the Elector of Bavaria, and which

heim sur fearch'd. By this it appears, how few Men escaped them selves Pri oners.

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French Infantry, fince 28 of them were made Prison- A. C.

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It is now time to fee how things pass'd on our Right, under the Command of Prince Eugene, who Prince Euhad to deal with the Elector of Bavaria, and the gene's Mareschal de Marsin. The Infantry of that Wing share in consisted only in seven Battalions Danish, and eleven this Battle. Prussian, and the Cavalry in 92 Squadrons of the Troops of the Emperor, the King of Prussia, the Circle of Suabia and Wirtemberg, and other Princes and States of the Empire. The Enemy had in their Lest-wing thirty Battalions, and a great many Squadrons of Horse: And they had posted fourteen Battalions in the Village of Overklaw, which Village my Lord Duke of Marlborough had taken upon him to cause to be attack'd by his Infantry. The Horse of our Right-Wing were most of them posted over againlt Overklaw; but the Eighteen Battalions, who were to the Right of all, had a great way to march before they could get up the Hill, and belides the Paffage of the Rivulet being very difficult, the Attack could not begin on that fide as foon as Prince Eugene could have wish'd; And besides the Troops of our Right which posted themselves in a Bottom, not far from Lutzingen, were oblig'd to remain expos'd during three Hours to the Cannonading of the Enemy, without being able to make use of their Artillery, till at length a Counter Battery was rais'd near the Wood. Tho' our Right could not charge, till half an Hour after our Left had begun the Attack, yet they were pretty successful at first: For our Infantry, though much inferior in Number to that of the Enemies, maintain'd themselves against them with great Firmness and Resolution, and our Cavalty broke that of the Enemies first Line. But they were so vigoroully repuls'd by their second Line, that part of 'em were driven, in great Confulion, beyond the Rivulet; and our Infantry having no more Horse to sustain them, was oblig'd, notwithstanding the great Resistance they made, to retreat three or tour hundred Paces towards the Wood, with conderable loss, especially the two Battalions which were in the Flanks: Infomuch that things were at that

time, in a very ill Condition on that fide.

lantry stood firm near the Wood, and Prince Eugene

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having rallied the Horse brought them up again to the Charge, but they were repuls'd a fecond time. They were rallied once more, and for near three Quarters of an Hour we stood within about 60 Paces of the Enemy, neither of the two Parties making any mo. We made use of that time to post the Troops advantageously, and to put them in order, after which we charg'd the third time. Our Cavalry had at first some Advantage over that of the Enemy, but were afterwards repuls'd by them, whereas our ln. fantry broke, and overthrew that with which they had to deal; tho' they could not march up to the Enemy, but thro' a most difficult Ground, where a small Number of Troops was sufficient to stop a great Number. Hereupon Prince Eugene left his Cavalry, feeing little likelihood of being able to rally themagain, and came and put himself at the Head of the Infantry, who improving the Disorder into which they had put that of the Enemies, purfued them over Hills, Dales, Rocks and Woods, and having charg'd them again, did entirely rout them, and continued the Chace for above an Hour's March, as far as the Village of Lutzingen. Here Prince Eugene caus'd his Victorious Foot to make a Stand, to give time to his Cavalry, which had rallied a great way behind to rejoin the Infantry. It is very remarkable, that at this last Charge, when our Infantry defeated, with fo much vigour, that of the Enemy, there remain'd by them but two of our Squadrons, notwithstanding which they purfued their Advantage, and gave not the Enemy time to recover themselves. French Horse, daunted by our success, retired leisure Ly: Ours follow'd them with the same Pace, till having join'd our Foot, the whole Wing continued the Chace during an hour, as far as the Villages of Morfelingen and Teiffenhoven, where the Enemy made a show to stand their Ground, that they might have the time to pass a great Morals, and reach Dillingen and Lawingen. As foon as the Action was decided on our Left wing, my Lord Marlborough disposed himself to march with part of that Wing, towards the Village of Overklaw, to charge the Left of the Enemy on their Flank, and to succour our Right, but he was inform'd by the way, by one of Prince Eugene's Aids de Camp, that there was no more need

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of it; That all was recover'd on his Highness's side, A. C. and that the Enemy had abandon'd the Villages of 1704.

Overklaw and Lutzingen, after having set them on Fire

Thus this memorable Battle, which, during near five Hours, was fought with dubious Fortune, ended at last in a most compleat Victory on the side of those, who, before the Engagement, had a visible Disadvantage. They * whole Profession, and Duty, it * Divines. is to ascribe all successful Events to the particular Influence of Divine Providence, may justly be allow'd to rank this Victory among Miracles; but Humane Historians, who relating humane Actions, content Gauses of themselves to trace them to humane Causes, cannot this Victory be thought Profane, if they attribute it to the invincible Courage and Intrepidity of the Confederate Troops, and to the Conduct and Bravery of their Generals: Since those Virtues are a peculiar Gift of Heaven. As the whole Action was, in a manner, ma-Juff Praises naged and directed by the Duke of Marlborough, fo of the Duke the greatest share of the Glory is certainly due to of Marlhim: But then it would be injustice not to own, borough, that Prince Eugene's Portion in the Honour of that and Prince Day comes but little short of the other. It is ac-Eugene. knowledg'd by all, that they both perform'd the Part of confummate Generals: Both giving their commands with all the Clearness and Composedness imaginable; Exposing their Persons, wherever their Presence was necessary, with the greatest Unconcernment; and preferving their Temper and Presence of Mind in the most present Dangers. The Duke very narrowly escap'd being kill'd by a Cannon Ball, which graz'd under the Belly of his Horse, and cover'd him with Dirt: The Prince was in the And of the thickest of the Enemy's Fire, but had also the good other Gene-Fortune to come off unhurt. The other Generals of rals. the Confederate Army, discharged their respective Commands with great Prudence, Activity and Valour. But among the rest, the Hereditary Prince of Helle-Cassel, and the Prince of Hannover, Generals; Lumley, Hompesch and Bulow, Lieutenants General; Wood and Villers, Majors General of Horse; the Lord Cuts, the Lord Orkney and Ingoldsby, Lieurenants-General; the Prince of Holftein Beck, Wilkins As also of and St. Paul, Majors General; and Row, Ferguson the Confede-

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A. C. 1704.

and Beronsdorf, Brigadiers of Foot, deserve a particula lar mention. All the Troops in general fought with equal Bravery and Undauntedness, tho' with some different Circumstances of Courage, agreeable to the particular Temper of the feveral Nations, of which the Confederate Army confisted. The English Foot thew'd their natural Fire, Briskness and Intrepidity, in their feveral Attacks of the Village of Bleinheim; the Prussian and Danish Infantry their innate Firm. nels and Resolution on Prince Eugene's side, where they recover'd all; and the German Horse perform'd Wonders in the Center, particularly the Regiment of Dragoons of Bothmer. Having recorded the deserved Praises of our own Generals and Soldiers, we ought in Historical Justice to give the Enemy their due. All their Troops that engaged fought with Vi-Praise and gour and Courage, and had their Generals perform d

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Censure of their Parts with answerable Prudence and Forecast,

the Enemy. 'tis probable the Fortune of that Day had remain'd undecided. 'Tis true, the Elector of Bavaria maintain'd his Reputation of a Brave and Experienced Commander; nor was he ill seconded by Mareschal de Marsin; but then Mareschal de Tallard, and the Generals of the Enemy's Right-wing, committed inexcufable Faults, both throwing in such a valt Number of their Men into the Village of Bleinheim, whereby their Center was extreamly weakened, and in fuffering our Troops to pass the Rivulet, without any considerable Opposition. As for the tame Submillion of those 28 Battalions, and 12 Squadrons, that were posted in that Village, as it is justly * cenfured by French Men themselves, so it will remain a Stain upon that Nation, which the gaining of ten-Battles will scarce wipe off. For I am inform'd by leveral impartial Gentlemen, who were among the English and Dutch Infantry that surrounded the Village, that if those Troops, which were the best in France, had been led by resolute Commanders, they might have forced their Passage thro', and, at least, halt of them have got off, and made an honourable Retreat; whereas now, that Infant, to use the Expression of a French Officer, Is the Laughing fock of As for the other Fault of the Enemy, in Letting our Troops pass the Rivulet undisturb'd, some charge it wholly on Mareschal de Tallard,

* See the Appendix. Number XVI.

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who, they lay, being inform'd that the Allies were A. C. laying Bridges on the Rivuler, used this Expression, 1704. If they have not Bridges enough I will lend them some; and when they told him, that our Troops began to pals; Let them alone, faid he, the more comes over, the more we shall kill. But others t, who make it their + See the Business to excuse that General, assure us, 'That he Appendix, had given politive Orders, not to let the Enemy Numb. pass the Rivulet, and to charge them as they pass'd, XVIII p. which Orders were not Executed. It is remarkable, 37. that after the Fight two French Generals were entertain'd at Supper by the Duke of Marlborough, who with a great deal of Heroick Modesty, endeavour'd to divert the Discourse, from the Business of the Day; but the French Officers would still bring it in, and one of them did fay, 'That there was a Critical Moment in which Victory had been absolutely theirs. if the Gens d' Armes had done their Duty. Of this Opinion were all those who would justifie Mareschal de Tallard's Conduct; which being known to the Gens d' Armes, they wrote a * Letter to a Chief Mi- See Ibid. nister of the French King to clear themselves of that Aspersion. A Passage, which hapned soon after Mareschal de Tallard was taken, shews into what Trouble and Perturbation his Mind was thrown by that Misfortune. The Lord Tunbridge, one of the Duke of Marlborough's Aids de Camp, came to the French General, to offer him his Service, telling him, he was going to the Duke. Mareschal de Tallard defired his Lordship to tell his Grace, 'That if he would let these † Poor Men alone, (meaning the French in the used Bleinheim) and Suffer them to retreat, he would send the French Orders, not to fire upon the Confederates. Which irra- Expressions tional Proposal being reported to the Duke, his Ces Pau-Grace said, 'He wonder'd Monsieur de Tallard did vres Gens. not consider, that he had no Command where he now was. The same night that Captain General, with two or three more, was carried in the Duke's Coach to the Prince of Hesse's Quarters, where his Grace gave him a visit the next day, and told him, He was forry that such a Misfortune should fall per- The Duke's fonally on one, for whom he had so great an Esteem. ompliment Monsieur Taltard returned the Compliment, by tel-10 Marejling his Grace, That he had the Honour of having van-chal de quish'd the best Troops in the World: To which the Tallard. G 3

A. C. Duke wittily replied. 'He thought his own Troops were the best in the World, fince they had Conquer'd those, which the Mareschal accounted

The loss of the Enemy

The Enemy's Loss, according to their Confession in several intercepted Letters, amount to near 40000 in the Bat. Men, in which number they include 4 or 5000 they loft in their precipitate Retreat to the Black Forrest, either by Defertion, or by the Pursuit of the Hussars and Peafants, who made a great Slaughter of the Stragglers. And, indeed, if it be confidered, that after an exact Computation, the number of the Prifoners we made, exceeded 13000 Men, of which above 1200 were Officers; that we cut in pieces 10 French Battallions on their Right, and overthrew into the Danube near 30 Squadrons of Horse and Dragoons, many of whom were drown'd; that their Left-Wing did also suffer very much, especially the Foot; that besides 95 Officers that were found at Hochster, Dillingen and Lawingen, the number of the Wounded, whom they brought off from Ulm, exceeded 7000 Men; if all this, I say, be considered, it must be own'd, that those Letters spoke within Com-Tho' the French have been industrious enough in concealing their particular Losses, yet it is known that the Count de Verue, General of the Horse, was kill'd, Monsieur de Busen, and the Count de Clerambaut, Lieutenants General, drown'd in the Danube; that Mellieurs de Blainville and Surlaube, Lieutenants General, died of their Wounds; that Monfieur de Marillac, Brigadier, only Son to the Councellor of State of that Name, the Duke de Humieres, Brother to the Duke of Aumont, the Marquifles de Arpajou, de Hautefort, and de Beringhen, were either kill'd or drown'd; and that the Marquis de la Baulme, only Son to the Mareschal de Tallard, was mortally wouned, and died a few days after the Action. The Prifoners of note, befides the Mareichal de Tailard, were the Marquis de Monperous, † Mestre de Camp, General of the Horse; the Marquis de Hautefeuille, Mestre de Camp, General of the Dragoons; the Marquis de Marivaux, and the Count de Blanzac, Lieutenants General; the Marquis de Valseme, the Marquis de Seppeville, the Marquis de Silly, the Marquis de la Valiere, the Chevalier de Croissy, Mareschaux de Camp,

Priloners of Note. + That is Generals.

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87 or Majors General; Monsieur de la Messiliere, Bri- A. C. gadier General of the Gens d' Arms, Monfieur de St. 1704. Second, Monsieur Desnonville, Monsieur d' Amigni, Monsieur de Signey, Monsieur de Montfort, Brigadiers of Foot; Monlieur de Jolly, Brigadier of Dragoons; the Marquis de Saffenage, Aid de Camp, and Son in-Law to the Mareschal de Tallard; the Chevalier de Ligondais, the Marquis de St. Pouange, the Baron de Heyder, Colonels of Horse; the Marquis de Vassey, the Marquis d' Aurival, Monsieur de Prie, Colonels of Dragoons; Monsieur de Nonan, Monsieur de St. Maurice, the Count de Lionne, the Marquis de Lassey, the Baron d' Elst, Monsieur de Balincourt, Monfieur de Saulveboeuf, Monsieur de Montenay, the Count de Gallard, Monlieur de Cressey, the Count de Tavennes, the Count de Schaeg, Colonels of Foot; the Prince Maubecq of Lorrain, Captain of Horse; the Marquis I Auvet, Captain of the Gens d' Arms; Monnieur Joug, Major in the Regiment of Orleans; the Chevalier de Rocheplate, Cornet of the Gens d' Arms; the Marquis de Carman, Under Lieutenant of the Gens d' Arms; Monsieur d' Ovilars, Enlign, and Monsieur Juissac, Guidon of the Gens a' Arms; and the Sieurs du Breuil and la Morcelaire, Commissaries of Artillery. Be-Booty: sides the Prisoners, the Confederates got many other Enfigns of a compleaat Victory, as above 100 pieces of Cannon, great and finall, 24 Mortars, 129 Co. lours, 171 Standards, 17 pair of Kettle Drums, 3600 Tents, 34 Coaches, 300 laden Mules, 2 Bridges of Boats, 15 Pontons, 24 Barrels, and 8 Casks of Sil-This Success cost the Allies 4485 Men kill'd, 7525 wounded, and 273 lost, or made Prisouers. great number in it self, but an inconsiderable Price Confedefor the infinite Advantage which the Allies gained "ates. by their Victory. We lost few Men of Note, except the Prince of Holstein Beck, and Brigadier Row. who died of their Wounds after, and Philip Dormer, Lieutenant Colonel of the English Guards, Major Frederick Cornwallis, Lieutenant Colonel Dallyel, Lieutenant Colonel Fetherstonbaugh, Major Creed, Colonel John White, Lord Forbes Captain, Major Che-nevix. who were killed in the Fight. The principal Persons among our Wounded, were, the Lord North and Grey, who loft his Right Hand; the Lord Mordaunt, who had his Left Arm shatter'd; Colone! G 4

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A. C. Hamilton, Lieutenant Colonel Levingston, Lieutenant 1704. Colonel Peyton, Major Grandville, Major George Morgan, Lieutenant Colonel Britton, Major Armstrong,

and Major Hetley.

This Victory, tho' as great and compleat in it felf as any was ever gain'd, was still greater in its confequences. The Elector of Bavaria and Mareschal de Marsin, having gather'd the Remains of their Defeat behind the Morais of Hochster, rested there some hours, and that very night caus'd their Baggage to pals the Danube, and fent their Horse towards Ulm by Gondel-The next morning before break of day, they drew off the Infantry, and palled the Danube at Lawingen, where they left 1000 Men, with orders to retreat, as foon as the Enemy should approach, and to burn the Bridge, which was accordingly done, The Elector fent orders, at the same time, to his Troops in Ausburg and other Places, to quit them, and come to join him at Ulm, whither he marched with the greatest Pre-The Duke of Marlborough and Prince cipitation. Eugene would have followed him with equal speed, but the great number of their Prisoners was a Luggage that retarded their Progress tour or five days. The Night after the Battle, the Confederate Ar-

See the Plan.

† Aug. 14

N. S.

my drew up, and lay on their Arms, near the Morais of Hochstet, their Left extending it fell towards the Village of Sonderen, and the Right towards Morselingen. The next day they made a small Motion, and came with the Right to Wittisling, and the Left to Steinheim, where the Duke of Marlborough thought fit to stay till the 19th of August, that his wearied Troops might refresh themselves, and those that were flightly hurt recover their Wounds. In the mean time his Grace and Prince Eugene wisely considering, That the Face of Affairs in that Country was wholly chang'd, they imparted to Prince Lewis their Sen-'timents, that to amuse themselves at the Siege of Ingoldstadt, would be but losing Time; and that they believ'd it would be more advantageous for the Good of the Common Cause, to join all their Forces, to streighten more and more the Enemy, and oblige the French to quit Germany, and repals the Rhine, for then not only Ingoldstade, but also the whole Country of Bavaria must fall of themselves. Nor was it long before the Duke's, and Prince Eugene's le

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gene's Opinion was confirm'd, by the Example of the City of Ausburg which the French, in Garrison there, 1704. quitted the 16th of August, carrying with them 4 Hostages, as a Security for 2000 Sick and Wounded The City of Men they left in that Place. The Magistrates be- Ausburg ing Assembled immediately after, sent 4 Deputies desires the to wait on the Duke of Marlborough, and defire his Duke of Protection. His Grace made them a kind Receptic Marlboon, and told them, 'They had nothing to fear from rough's the Troops of Her Britannick Majesty, and the Protection, States General, who were only sent against the N.S. Enemies of the Empire and their Allies; and thereupon his Grace ordered a Detachment to march, and take Possession of that City. The next † day + Aug. 17. the whole Confederate Army return'd their Solemn Thanks to Almighty God, the Giver of all Victory, and made a triple Discharge of all their Cannon and small Arms, as a Rejoycing for their late Glorious Success, which appeared the greater, in that by Mareschal de Tallard's own Confession, his Army was near 4000 Men more than that of the Duke. On the 18th of August that Mareschal, with most of the other Prisoners of distinction, were sent from Repartition Hochstet towards Hanau and Frankfort, under a of the Pri-Guard of 40 English Horse. At the same time the foners. Repartition being made of all the rest of the Prisoners, the Duke of Marlborough's share amounted to 5678 Men, and that of Prince Eugene to 5514, in all 11192, belides 3000 Germans of the Regiments of Greder and Surlauben, who voluntarily lifted themselves Progress of in the Service of the Allies. The 19th the Army the Confemarched from Steinheim, and encamp'd with the derate Ar-Right at Puntz, and the Left at Gondelfingen, from my. whence they advanced the 20th to Languenau and Ober Elchingen, and the next day came to Sefelingen within little more than an English Mile from Ulm, where the Elector of Bavaria not thinking himself fale, had left a Garrison of 4 French and 5 Bavarian Battallions, and was retired further up the River Danube towards the Iller. The same Morning the Duke came to Sefelingen, a Deputy from the City of Memmingen waited on his Grace to desire his Protection; and reported, That the Electress of Bavaria was gone thro' that Place with five of her Children, under a Guard of 14 Squadrons, endeavour-

The ANNALS of 90 A. C. ing to join the Elector, who was then about Duelin. 1704. gen. On the 22d the Governor of Ulm, who did justly apprehend a Siege, sent out of the Town 430 Prisoners, which the Enemy had taken at Hoshster. Dillingen and other Places, with a Compliment to the Duke of Marlborough, That he would be pleafed number; but those Prisoners being Germans, his Grace sent them to Prince Eugene. The Elector of Bavaria's Communication with his own Country being entirely cut off, a Trumpeter came the 23d at night to the Confederate Camp, with a Letter † from † Pated from Dut-his Electoral Highness, desiring my Lord Duke would give Conveyance to one enclosed to the Electress. lingen. Aug. 21. which his Grace fent forward by a Trumpeter of his own to Munich; the Electress with her Children being gone thither. The next day Prince Lewis of Baden came to Sefelingen, to confer with the Duke of Marlborough and Prince Eugene, having left his Army encamped at Lawingen. The 25th those three Genebetween the rals had a long Conference, wherein they concerted Duke. the further Operations of the Campaign; and it was Prince refolv'd, That feeing the Enemy were returning to-Lewis wards the Rhine, all the Confederate Forces should and Prince likewise march that Way, except 23 Battalions and Eugene. some Squadrons, which should be left under the Command of General Thungen, to carry on the Siege of Ulm, and that Count Wratislau should continue in the Camp before that Place, to manage the Negotiations with the Electress, who made some Overtures to deliver not only Ulm, but the whole Electorate of Bavaria, upon certain conditions. This Refolution being taken, the Confederate Troops moved tAug. 26. the next † day from the neighbourhood of Ulm towards the Rhine, by different Roads, for the ease of the Country of Wirtemberg. The Dutch and Hessians march'd together one way; the Hannoverians and Lunenburgers another; and the English and Danes, under the Command of General Churchil, advanc'd from Sefelingen to Launsheim, The 27th, the latter continued their March to Grofs-Seiffen, and the 28th to Eberspach, where they rested the 29th. The 30th

they came to Grofs. Heppach, and the 31st to Mundel-

theim, where the Duke of Marlborough join'd them

the same Evening from the Camp before Ulm.

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first day of September the English and Danish Troops A. C. halred at Mundelsheim; and the Duke of Marlborough having received an invitation from the Duke Regent of Wirtemberg, by his Grand Marshal, to his Residence at Stutgare, his Grace went thither that Morning, accompanied by several of the General Officers. and after a very magnificent Entertainment return'd in the Evening to the Army, which, the next day passed the Neckar at Lauffen, and came to Gross Gar-The 3d of September they left Gross Gardach and advanced to Eppingen; and the 4th the Duke of Marlborough, with the English and Danish Horse. march'd to Steffelt, whill the Foot moved the same The Enemy having repassed the day to Odenheim. Black Forrest, and being fince retired over the Rhine. Prince Eugene did not go to Rotwoil, as he intended, but went directly to Rastat, to draw the Troops together, and march with them towards Philipsburg, where he arriv'd the 2d of September. Three † days after, early in the morning, the Duke of Marlborough + Sept, 5. went from Steffelt to Philipsburg, where he was received with all imaginable Respect, under a general discharge of the Cannon of that Place; and from thence he made a Visit to Prince Eugene, at his Quarters at Wagheus. After Dinner the Prince and the Duke went together, accompanied by the Count de Nassau Weilbourg, and other General Officers of the Palatine Troops, and palled the Rhine, and viewed the Camp of Spierbach. In the Evening the Duke return'd to Steffelt, where the English and Danish Footbeing arriv'd that day, his Grace advanced the 6th with the Army to Kirloch; and having Advice there. that several of the Enemy's Squadrons appeared on the Rifing Ground, over against Philipsburg, he order'd the English and Danish Horse to pass over the Rhine with all Expedition, to join the Palatine Troops which Prince Eugene had fent over that morning. They immediately advanced toward the Enemy, who thereupon retired over the River Queich to Gemersheim, and our Army encamped on this lide. The 7th the English and Danish Foot, with the Dutch Troops, and those of Lunenburg and Hesse, likewise palled over, and, together with those that were before on this fide, encamped on the Spierbach. The 8th in the morning they were join'd by the Imperial Horle,

Horse, and Prince Lewis arrived at the same time

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1704.

from Aschaffenbourg. We had Advice. That the Mareschals de Villeroy and Marsin, with Monsieur de Coigny, and the Forces under his Command, were advanced to the River Queich, and had possessed themfelves of all the Passes, to prevent our going over that River, in order to invest Landau. The oth ear. ly in the morning the Army marched from Spierbach, with intent to encamp as near the River Queich as the Ground would permit; but the Generals having Advice, that the Enemy had quitted their Camp on the other fide that River, notwithstanding they had been for some days Fortifying and Pallisading all the Fords and Passes, orders were immediately given for the Army to advance and pals over it, which we did that Afternoon; the Foot marching over on feveral Bridges which the Enemy had broke down, but were foon repaired, and the Horse fording it over in several Places; and we came and encamped with our Right at Offenbach near Landau, and our Left at Rellen, being the Ground from whence the Enemy had retired that morning. The same day a Party of Imperial Horse having met some Squadrons of the E. nemy, Commanded by the Duke de Montfort, a Major General, who had been conducting 4 Battalions, and a Sum of Money into Landau, tell upon them with great vigour, and put them to the Rout, killing upwards of 100 of them upon the spot, taking several Prisoners, and giving desperate Wounds to their Commander, of which he died some few Hours after. The 10th in the morning we advanced again towards the Enemy, who lay that night on their Arms, and as foon as they had notice that we intended to march, retired in great Contusion towards the River Lauter, and we came and encamped with our Right at Barelroth, and our Left at Langencandel, where we halted the 11th. In the mean time the Enemy passed the Lauter, and marched to Haguenau; fo that they having quitted all the Posts from whence they might invested have obstructed our attacking of Landau, Prince Sept. 12. Lewis marched thither the 12th, with the Troops that were to beliege that Place, in order to Invest and Prince it; and the Duke of Marlborough, with Prince Eugene, came to the Camp of Weissenburgh (or Croon-Weissencovers the burg) to cover the Siege. The Duke put a Garrison

Landau N. S. The Duke

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into Lauterbourg, and gave directions that one of our Bridges should be brought up from Philipsburg, and laid over the Rhine near that Town, in order to preferve a Communication with the other fide of the River, for the better Subsistence of the Army. Brigadier General Ferguson march'd the same day with Battalions of English Foot, to wir, one of the Royal Regiment, General Churchill's the Lord North and Grey's, Brigadier Row's, and Brigadier Meredith's Regiments for Mayence, where they were to embark . Sep. 12. with the French Prisoners, and to conduct them to Ulm sur-Holland. The same * night also, the Duke of Marl-rendred, borough received an Express from General Thungen, Sep. 11. with Advice, 'That having formed the Siege of Ulm. and received his great Artillery the 8th of September, the Garrison beat a Parley the 10th, and the 11th furrendred that Place upon honourable Terms, which he was inclined to grant, that no Time might be lost for the farther Execution of the Projects of this Campaign. The Imperialists found in Ulm 222 Brass Pieces of Cannon, 12 Iron Guns, 25 Brass Mortars, 1200 Barrels of Powder, with other Stores and Provisions in great abundance: A leafonable Supply for carrying on the Siege of Landau.

Whilst the necessary Preparations are making for that great Undertaking, let us see what Returns of Gratitude were made by the Emperor, both to the Queen of Great Britain, and to the Duke of Marlbo. rough, for the great and fignal Services perform'd by the Duke his Grace, in Clearing the Empire from its intestine of Marland foreign Enemies, and removing the War to the borough Frontiers of France. Not many days after the Bat-made a tle of Hochster, the Emperor wrote a Letter to his Prince of Grace, wherein, after having given him the honou-the Empire, rable and kind Appellations of most Illustrious Cousin, The Empeand most Dear Prince, his Imperial Majesty told him, ror's Letter That he had freely, and of his own accord, admit-to his Grace ted him among the Princes of the Holy Empire, Dated, 'not so much in consideration of his Noble Fami- N. S. 'ly, as upon account of his Personal Merit, and his great Deferts towards the August House of Austria, and the Holy Roman Empire. I have been willing, adds the Emperor, that the supream Honour in Germany, which I have with formuch Justice confer'd on you, should remain as a Monument, that it

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A. C. 1704

may the better appear to all the World, as I freely acknowledge it, how much my felf, and all the Empire, are Indebted to the most Serene Queen of Great Britain, for having fent her powerful Succours as far as Ausburg and Bavaria, when my own Affairs. and those of the Empire, were so much shaken and disorder'd by the perfidious Defection of the Bavarians to the French: And to your felf, under whose Conduct, things have been so prudently, so vigoroufly and fuccessfully transacted, that not only common Fame, but the Generals of my Forces, the Companions and Sharers of your Labours and Victories, attribute the latter chiefly to your Counfels, and the Valour and Bravery of the English, and other Forces, who fought under your immediate Command. These Actions are so great, particularly that of Hochstet, Ages past having never feen the like Victory obtain'd over the French) that we may rejoice to fee not only the most pernicious Efforts of the Enemy repuls'd, and the Affairs of Germany, which were in a tottering Condition, or rather those of Europe, secur'd and re establish'd, but 'likewise, that it may be reasonably hop'd, that the full and perfect Liberty of the Christian World 'shall be rescu'd from the Yoke with which it was threatned by the Power of France. Some † days before the States General wrote a Letter to the Duke of Marlborough, 'wherein they return'd his Grace their most hearty Thanks for the speedy notice he had fent them by Colonel Panton, of fo agreable News of the Victory of Bleinheim, After the first blow, added they, You had given the Enemy at Schellenberg, we had reason to expect somewhat much greater would follow, but never durst have carried our hopes so far as to think of so Glorious and compleat a Victor ry as you have, with the Army of the Allies, gain'd over the Enemy. The Action of that Day has plac'd the greatness of your Merit in its true Lustre: A Day whose Glory might have been envied by the greatest Captains of Ages past, and whose Memory will endure through all Ages to come.

We heartily Congratulate your Grace upon this Occasion, and rejoice in the Glory you have acquired, as well as for the Advantage the Common Cause has obtain'd. This Action will let France see that Her Troops are not Invin-

Aug.20.6
The States
General's
Letter to
she Duke.

Queen ANN E's Reign.

tible, and has given it fuch a Blow, as that King never felt in the whole Course of his Reign;

A. C. 1704.

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At the same time their High Mighttinesses wrote the following Letter to the Queen of England.

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A Feer rendring Thanks to God for the great and com- And to the pleat Victory which the Army of the Allies have ob- Queen. tain'd by his Divine Goodness near Hochstet; we judge it becomes us to testify to your Majesty our Joy for so glorious and advantageous an Action. We most heartily congratulate your Majesty in this happy Success, seeing it was the Bravery of your Troops that principally contributed to it, and that the whole was done under the prudent and valiant Conduct of the Duke of Marlborough your Majesty's Captain General, who, in this Battle, reap'd Lawrels that will never fade. The Prosperity that &tends your Majesty's Reign, and the Glory of the English Nation, are exalted to a high degree by this shining Victory; and the advantageous Consequences we have ground to hope for, from it, by the Divine Bleffing, will be deem'd the Effect of your Succours, and of your Zeal for the general Good. Mean time we flatter our selves. this Action will fink the Spirits of our Enemies, who are continually projecting vast designs; and that it will clear the way for us to attain with Honour the End we propos'd by our Alliances; that the Liberty of Europe, and our holy Religion being secured, your Majesty may long enjoy the Fruit of the Care and Pains you take to Establish and Maintain them. This is what we wish from the Bottom of our Hearts; Mean time we affure your Majesty of our Veneration for your Sacred Person, and beg the Contingance of your most valuable Affection and Good Will to Us, and our Republick.

This Letter was * delivered to her Majesty at * Aug. 10. Windsor by Monsieur Vryberge, Envoy Exraordinary O. S. from the States General; upon which occasion that Minister, by Express order from his Masters, Congratulated her Majesty upon the late Victory obtain'd by the Army of the Allies, under the valiant and wise Conduct of the Duke of Marthorough.

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A. C. 1704

Proclama-

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General

Thank gi-

This joyful News had some days before, been brought over into England, first by Colonel Park and foon after by the Lord Tunbridge, who both at. tended the Duke of Marlborough as his Aids de Camp The Queen's on the Day of Battle: Whereupon her Majesty be. ing deeply fensible of this general Bleffing, 'most devoutly acknowledging the Goodness of Almighty God, who had afforded her his Protecti. on and Affistance in the just War in which she was wing, dated Engag'd, appointed the 7th of September, to be ob. Aug. 17. serv'd throughout this Kingdom as a Day of publick

Sept. 7th.

Thanksgiving. That Day being come, her Maje. fly went to the Cathedral Church of St. Paul's with The Thanks- great Solemnity. All the Lords and Privy Coun. giving So- cellors that were in, and about London, met about Eight in the Morning in the Council Chamber at St. James's, the Knights of the Garter wearing the Collars of that Order; and having been Marshalled by the Officers of Arms, proceeded about Ten a-Clock in their Coaches with 6 Horses each towards St. Paul's. Her Majesty came atterwards attended in the tollowing manner: First, the Knight Marshal with his Men on Horseback; then the Equeries and Gentlemen Ushers to his Royal Highness in his Leading Coach: One Equery, Two Pages of Honour, and the Gentlemen Ulhers in waiting in her Majesty's Leading Coach: In another of her Majesty's Coaches, the Women of the Bed Chamber to her Majesty; In another the Maids of Honour: His Royal Highness's Body Coach, with the Lords of the Bed Chamber: Four Ladies of her Majesty's Bed-Chamber, viz. the Dutchess of Somerset, the Marchioness of Hartington, the Lady Henrietta Godolphin, and the Counters of Abingdon, in the Travelling Body Coach; The Duke of Somerset Master of the Horse, with the Duke of Ormond the Captain of the Guards in waiting, in Her Majesty's Body Chariot; each drawn by fix Horses: A Detachment of the Horse Grenadiers: Her Majesty's Footmen: After them the Yeomen of the Guard on Foot, some before, and some on each side of her Majesty's Coach: Then Her Majesty, with his Royal Highness; the Dutchess of Mariborough, Groom of the Stole, and the Lady Fretcheville, being the Lady of the Bed Chamber in waiting, in the Coach of State, drawn by Eight Hories,

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Her Majesty's First Troop of Horse Guards closed the Procession. The Streets thro' which her Maje-By passed were lined from St. James's as far as Temple-Bar by the Militia of Westminster; from thence to St. Paul's they were railed and hung with blue Cloath. the City Trained Bands lining both fides; and upon Scaffolds erected for that purpole were plac'd the several Companies in their Gowns, with their respective Flags, Streamers and Mulick. A Battalion of each of her Majesty's Regiments of Foot Guards made a Lane from the West Entrance into the Church to the Door of the Choir. The Balconies and the Windows of the Houses were hung with Carpets and rich Tapeltry, and crowded with great Numbers of Spectators. At Temple Bar her Majesty was met by the Lord Mayor in a Gown of Crimson Velvet, and the Aldermen and Sheriffs in their Scarlet Gowns, being all on Horleback. The Lord Mayor alighted, made a short Speech to her Majesty, and surrendred to her the City Sword, which she was pleased to return to him, and he carried it before her Majelty to the Church, the Aldermen and Sheriffs riding before him. Her Majesty being come to St. Paul's, was met at the West Door, at her alighting out of the Coach, by the Great Officers of State, the Nobility and Privy Councellors, who from thence proceeded to the Choir in the following Order: First, Two Officers of Arms; then the Privy Councellors who were not Peers, Two and Two; Five Officers of Arms; the Peers Temporal and Spiritual Two and Two; Norroy King of Arms; the great Officers of State, viz. the Lord Privy Seal, Lord President, Lord Treasurer, Lord Keeper, and Lord Archbishop of Canterbury; the Serjeants at Arms with their Maces, and Garter King of Arms: The Duke of Richmond with the Sword of State. Her Majesty was led by his Royal Highnels, and was followed by the Dutchels of Marlborough, and the Lady Fretcheville; the Earl of Kent, Lord Chamberlain of her Majelty's Houlhold, and the Rt. Hon. the Vice Chamberlain, attending near her Majesty's Person. The Duke of Ormond, Captain of the Guards, and the Duke of St. Albans, at the Head of the Band of Gentlemen Penhoners, closed the Procession. Her Majesty, and his Royal Highness, being entred into the Choir, seated them98

A. C. themselves in two Arm'd Chairs on a Throne erect. ed at the West End thereof opposite to the Altar: Behind her Majesty there were Stools for two of the Ladies of the Bed-Chamber, and the Great Officers in waiting, attended her Majefty, and his Royal High. ness. The Peers and Privy Councellors were plac'd on the North fide of the Choir; the Ladies of the Bed-Chamber in the Stalls on the South fide; the Maids of Honour, and Her Majesty's Bed Chamber Women below them. The Peereffes were placed at the West end of the middle Gallery; and the Fo. reign Ministers, with their Ladies, filled the places prepar'd for them in the Middle Gallery on the fame. fide with the Peers. At the East end of that Galle. ry were feated the Lord Mayor, Aldermen and She. riff's Ladies; and at the East of the South fide the Lord Mayor and Aldermen. The Upper Gallery of the North fide was filled by the Members of the Honourable the House of Commons, who were in Town, and the rest of the Galleries by the Ladies, and other Persons of Quality, that attended at this Solemnity. The Dean and Prebendaries fat within the Rails of the Altar, except such as officiated in reading Prayers. The Reverend Dr. Sherlock, Dean of St. Paul's, Preach'd. The Hymn, Te Deum, with other Anthems, were admirably well perform'd by her Majesty's Choir and Musick. Divine Service being ended, her Majesty, and his Royal Highness, returned to St. James's in the same Order and State that they came. The Great Guns of the Tower, those upon the River, and the Train in St. James's Park, were thrice discharged, the first time when her Majefly took Coach at St James's, the Second at the Singing of Te Deum, and the third when her Majesty came back to her Pallace. And as this Victory was, in all its Circumstances, the most Glorious and confiderable that has been gain'd in many Ages, the Rejoycings in London and Westminster were suitable to the great Occasion; and her Majesty's Subjects gave all the Demonstrations imaginable of their Affection to her Majesty's Person, and Zeal for her Government. This Festival was observed in all the other Parts of her Majesty's Dominions, if not with the same Solemnity, yet with as great Affection and Loyalty; and both before that day, and many Months after,

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after, her Majesty's Court was throng'd by Deputies A. C. from all the Corporations and publick Societies in 1704the three Kingdoms, and in the remotest Plantations, who waited on her Majesty with Congratulatory Addrefles for the Glorious Successes of her Majesty's Arms, under the wife Conduct of the Duke of Marl-Nor did the Foreign Ministers in England omit to compliment her Majesty on that occasion.

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Of all those numerous Addresses, I shall content my felf to fet down here at large that of the Borough of Lynn-Regis, which was presented by Robert Walpole, Elq; one of their Representatives in Parliament; because, in my Opinion, it fully expresses the Sense of all true English-men, and is penn'd with great Maltery of Stile and Judgment. It is as follows,

May it please your most Excellent Majesty,

O admit us, (amongst the great Number of Addr so of your Loyal Subjects) with unfeign'd Hearts, Lynn-Reto Congratulate the Glorious Success of your Arms, gis. 'in the Victory obtain'd by your successful General John Duke of Marlborough, over the French and Bavarians near Hochstet in Germany: A Deteat so entire, that hardly Foreign or English History can parallel; so seasonable, that the Safety of a whole Empire was the Consequence of it; and upon the distant Danube, where the English Arms never Tri. umph'd before. And whilst Awe and Reverence makes us approach leifurely to your Majesty's Throne, every day still produces new Trophies; the Sea, as well as the Land, Africa, as well as Europe, must loudly proclaim your Majesty is every

These are Bleffings justly due to Your Majesty's Piety and Courage, who so steadily have pursued the Example of Your Glorious Predecessor, that from his early Years, and almost a private Station, was always the Chief Opposer of the Torrent of France, Popery and Slavery, and whose Memory will ever be valuable in all true English Hearts, were it for nothing else, yet for leaving us the Establishment of a Protestant Succession in the Person of your Sacred Majesty: Noth withstanding which (by the Treachery of your faithless Enemies) your Majesty, upon your Accession, tound the Dreadful Powers A. C. 1704.

Powers of France and Spain United, who fingly have, in their Turns, pull'd fair for the Western Monar-This would have shaken any Courage less: chy. firm than your own, who, whilft all Europe lay gafping, waiting the Refult of your Councils, stretch'd out your Powerful Arm to support the then tottering Frame of its Liberty, and was alone able to preserve it, and in that our selves (and whilst your Majesty so carefully nurses our Establish'd Church) your Charity extends to the whole Protestant Interest of Europe, which must certainly appear very 'natural to your Majesty, whilst your Capital Enemy prides himself in being the Head of all his Roman Catholicks, and they in him.

May all your Majesty's Subjects Unite in their Acknowledgments to your Majesty, that the last Subterfuge of your Conquer'd Enemies (our Di-'visions) may not prevail amongst us; but that whillt our Armies are so bravely Commanded, our Treasury so Frugally Expended, our Laws so equalby Administred, and above all, the whole by your Majesty's Providential Care so wisely Superinten-"ded. our Religion and Liberty may, under your " most Auspicious Government, be immovably secu-

Abundance of People in England, either tho' a

red to us, and to our Posterity.

mistaken Zeal for the Honour and Prosperity of her Majesty's Auspicious Government, or thro' Partiality and Envy, have, both in their Writings, Speeches and Addresses, rais'd the Actions of the Actions at Fleet under Sir George Rook, almost to the same Sea not to Pitch of Glory with those perform'd by the Army be brought under the Duke of Marlborough. But History, which in o Compet follows only the Dictares of Truth, and weighs with a freddy and even Hand the Performances of Great Men, is obliged to rectify the Mistakes of some, and to Censure the partial and envious Prepossessions of others. However, tho' the Actions of the Admiral can never be brought into Competition with those of the Captain-General, yet it will appear by the following Account, that her Majesty's Arms gain'd considerable Reputation and Advantage at Sea this Year.

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Sir George Rooke having hoisted his Flag on board A. C. the Hampton Court, failed from Lisbon the 16th of 1704. March, (N. S.) with twelve English and fix Dutch Men of War, to cruize off the Cape St. Vincent, for Sir George securing the passage of the Scanderoon Fleet, and some Rook Sails Merchant Men from Leghorne. Two days after he from Lisdetached Rear Admiral Dilks, with several Men of bon. War, in quest of two Spanish Men of War, which a Dutch Privateer had feen the day before; and on the 23d Admiral Dilks came up with them, and took Aimiral them after some Resistance. They proved to be two Dilks Galleon Men of War of 60 Guns each, one call'd takes two the Porta Cali, the other the Santa Therefa, and a Mn of Merchant Ship of 24 Guns, named the St. Nicholas, War. being all three bound from St. Sebastians, and laden with Guns, Bombs, Iron Bars, &c. for Cadiz, where they were to be fitted out for the West Indies; and Don Diego Bicuna, their Commodore, had a Commission to Command the Flora design'd thither. Two English Men of War, that were out a Cruizing about the same time, forced a French Ship of 30 Guns ashore, on a Sand Bank near Aymonte; another English Man of War took a small Spanish Ship near Cape Spartel, laden with Horse shoes, Nails and Rosin; and a Dutch Man of War forced a Spanish Ship, extraordinary Rich, ashore on the Coast of Algarva. Sir George Rooke continued Cruising, till he Sir George

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bon on the 20th of April, (N. S.) the River The 4th of May, (N. S.) being St. George's day, of Lisbon. and the Anniversary of Her Majesty of Great Britain's Succession to the Crown, it was Celebrated on Board the Fleet, with all possible Demonstration of Joy and Affection for Her Majesty's Person and Government. The next day Sir George Rook was reintorced with 4 English Men of War, which came in- He puts to to the River of Lisbon; and three days after he fail- Sea again, ed out from thence, with the English and Durch Fleet N. S. May 8. under his Command, confisting of 40 Ships of the

Line of Battle, and having on Board the Prince of Hesse Darmstad, two Companies of Foot made up of Spanish Deserters, as also as many Spanish Officers, who had left the Duke of Anjou's Service, as were

lufficient to Command two Regiments. The Prince H 3

heard, that the Scanderoon Fleet was fafe' out of the Rook re-Streights, whereupon he returned to the River of List turns into

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A. C. of Helle, who had many Creatures in Catalonia, and positive Assurances from them, that they were ready to declare for King Charles III, if he should bring a fufficient Force to protect them, was very pressing with the Kings of Spain and Portugal, that 2000 Land Men might be put on Board the Fleet, and Sir George Rook waited feveral days for them; but at last he was forced to fail without those Troops, lest those delays should hinder him from Relieving Nice and Villa Franca, which were then reported to be besieg'd by the French. The departure of the Fleet caused a great Consternation at Lisbon: For the French Emillaries gave out, That the Grand Admiral of France would foon come into their River, and burn their City. That Alarm encreased to the highest delouse with cree the 22d, when the Count Thoulouse appeared off the French the Rock of Lisbon; and one of his Frigots coming near the Shore with English Colours, seiz'd and car-

Fleet appear off Lisbon.

Count

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the Rock of ried away some Pilots that were gone on Board, according to the Signal they had made. The French Faction, which confifts chiefly of Monks and Priefts, gave out, that the Portugueze were to expect nothing elle than a Bombardment; but Count Thoulouse continued his Course to Cadiz, where he arrived the 25th of May, and the next day proceeded towards the Mediterranean, to join the Thoulon Squadron. As foon as the French Fleet had left the Coast of Portugal, a Frigot was dispatched to Sir George Rook, who was to call at Altea, to give him notice, that Count Thoulouse had with him 35 Sail, whereof twenty only appear'd to be Ships of Force, and likewife to acquaint him, that Nice and Villa Franca were in no danger of a Siege.

† May 29. N. S. The Confecomes before Batcelona.

By this time the Confederate Fleet was † come before Barcelona, and upon the Encouragement given by a Priest and others, who surrendred themselves deratefleet to the Prince of Heffe Darmftad, a Flag of Truce was fent, with a Letter from his Highness, to the Governor Don Francisco de Velasco, to summon him to furrender the Town to his Lawful Sovereign King Charles III. The Governor would neither comply with the Summons, nor fo much as give admittance to those that brought it; but sent a Message, That he would entertain no Friendship or Correspondence, with any that were Enemies to Philip V. the true King of Spain. Thereg

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Thereupon it was refolved, that all the English and A. C. Dutch Marines should be landed within a Mile of the 1704: Town, the Spaniards that had furrendred themselves, having affured the Prince and Admiral, That in the City there were five to one for Charles III, and that upon the appearance of Landing Men, that great Majority would deliver up the City. The Marines being accordingly Landed, a Trumpeter was sent to demand the Surrender, whom the Governor detained, but fent another with a Letter, importing, That fuch a Demand required confideration, and therefore defired that no Act of Hostility might be committed, till they had fent his Trumpeter back again. This Answer being unsatisfactory, the Dutch Bomb Ketches threw about 60 Bombs into the City, which tho't May 31. they did some Execution, yet were not able to make the Governor change his Resolution; and the Prince of Helle apprehending, that a superior Force might fall upon the Land Men, he caused them to be reimbark'd: and then defired that the Bomb Ketches might give over Firing, his delign being not to hurt the Inhabitants, whom he was persuaded to be well affected to the House of Austria. It was believed by And Sails many in the Fleet, that the City would have been from thencedelivered up, had not one of the Soldiers Deserted, June 1. and given the Governor an Account, that the num- N. S. ber of the Men Landed, did not confift of more than 17 or 1800; and that Sir George Rooke's Orders were such, that he could not stay longer than a day or two; whereupon the Governor fecured several of the chief Persons in the City, whom he found to be in the Interest of Charles III. On the first of June, the Confederate Fleet weigh'd Anchor, and made the best of their way through the Gulph of Lions towards Nice. which put the Coasts of Languedoc and Provence into. great Consternation, and made the brave Camifars big with hopes of some Relief. Two * days after. * June 3. the Fleet made the Cape of Thoulon, and the next N. S. Morning came fair of the Illands of Hieres, where Sir George Rooke fent some Boats to take Prisoners, that might give him Intelligence of the condition of the Enemy. Accordingly ten Men were brought on board the English Admiral the next Morning, who gave him a confused Account, 'That a great Fleet of Men of War was expected from West France to

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Thoulon; and that in that Harbour there were five three-deck'd Ships upon the Careen, and 4 other from '60 to 70 Guns ready to Sail, besides eight more three-deck'd Ships, which might foon be fitted out, had they but Men to put into them, which they believ'd wou'd be brought in those Ships that they daily expected. While Sir George Rook was gather, ing this Account from the several Prisoners, the Com. mander of the Charles Galley, Captain Taylor, the same who had been dispatch'd from Lisbon, came on Board the Admiral, and gave him Information, That in his Voyage he came in with the whole French Fleet, which chased him to the Southward of Cape Spartel; but they foon losing fight of him, he made the best of his way for the Streights Mouth; and the next Morning, as far as he could fee from his Top. Mast Head, he could discern but two or three Sail of that Fleet, which he made the Day before to be at least Forty, and many of them very great Ships.

Hereupon a Council of Flag Officers was immediately call'd, wherein it was refolv'd, that the Confederate Fleet should forthwith alter their Course, and look after the French: And accordingly they made Sail to the Westward, having but little Wind. On the 7th of June, (N. S.) the Scouts made fignal, that they saw a Fleet of Ships, and for the confirmation of it, the Lark Frigot came into the Confederate Fleet, and the Commander, Captain Potherby, acquainted the Admiral, that the Tyger had made at least fifteen Sail; and that he did not question, but it was the French Fleet. Upon this the Admiral ordered the Confederate Fleet to Tack, and all the night being taken up in getting the Ships ready for an Engagement, by fix in the Morning they bore up with a very gentle Gale towards the French Fleet, which by this time they could differ to be about The French still kept their Wind, and the

Gale freshening a little, the Confederates seem'd

fomething to gain upon them; but about one or two

it falling a Calm, Sir George Rooke could not get any

nearer the French Admiral. Thus both Fleets lay at five Leagues distance, according to Computation,

there being very little more Wind all the Afternoon,

Sir George Rooke, misses to fight the French Fleet.

than would have brought the French Fleet down upon

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the Confederates, if the former had any mind to en-

gage, whereas it was impossible for the English and

that Day, having but very little Wind, and they

edging from him as much as they could, infomuch. that before night he could scarce discern them, and

then it being concluded, that by this time they were got near their Port, where they would foon be confi-

derably reinforced, the Confederates thought it Pru-

dence to avoid an Engagement, and alter their Course.

It was a great Providence, that Sir George Rook re-

ceived the Intelligence that was brought him by the

Charles Gally, for had he gone to Nice, where he

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Dutch to come up to them. Night coming on, the French made use of it in Towing their Ships as far to

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Windward as they could, so that the next Morning they were farther from the Confederates than they

were over night. Sir George Rook chased them all t June 9.

was bound, the French would have foon been after him with fuch a Force, as he should not have been able to withstand. Sir George having taken in fresh Water at Altea, made the best of his way towards . June 27 the Streights, and being foon after * join'd by Sir N. S. Cloudesty Shovel (who came to Lisbon the 15th of June, Sir Clouand fail'd from thence the 23d, N.S.) with a Squa-defly Shodron of English Men of War, the whole Fleer went vel join; into Lagos-bay, where they took in Provisions, and SirGeorge then went into the Mediterranean. On the 17th of Rook. July. (N. S.) the Fleet being about seven Leagues to the Eastward of Tetuan, a Council of War was held on Board the Royal Catherine, wherein (pursuant to the Directions of the Kings of Spain and Portugal, to attack the Enemy in Andalusia, in order to divert and Resolution divide their Forces) it was resolved to make a sudden to attack Attempt upon Gibraltar, the Conquest of which im-Gibraltar. portant Place, would gain great Reputation to her Majesty's Naval strength, in those remote Seas; and prove a most sensible Mortification to the Spaniards, who have always accounted it one of the chief Keys of that Kingdom. Accordingly the Fleet fail'd thither, and being * got into that Bay, the English and * July 21

Dutch Marines, to the Number of 1800, headed by

the Prince of Hesse d'Armstad, were put on Shore on

the neck of the Land, to the Northward of the Town,

to cut off any Communication with the Country. His Highness having posted his Men there, sent a

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A. C. Sum mons to the Governor, to furrender the place for 1704 the Service of his Catholick Majesty, Charles III which he rejecting with great obstinacy, the Ad. miral on the 22d in the Morning gave orders, that the Ships which had been appointed to cannonade the Town, under the Command of Rear Admiral Bing, and Rear-Admiral Vanderduffen; as also which were to batter the South-Mole-head, commanded by Captain Hicks, should range themselves accord. ingly; but the Wind blowing contrary, they could not take their Posts till the day was spent. In the mean time, to amuse the Enemy, Captain Whitaker was fent in with some Boats, who burnt a French Privateer of 12 Guns at the old Mole. The next day, early in the morning, the Ships being all plac'd the Admiral gave the Signal for beginning the Cannonade, which was perform'd with very great Fury about 15000 Shot being made in five or fix Hours time against the Town, insomuch, that the Enemy were foon beat from their Guns, especially at the South-Mole-head. Thereupon the Admiral confidering that by gaining that Fortification, they should, of course, reduce the Town, order'd Captain Witaker, with all the Boats Arm'd, to endeavour to possess himself of it, which was performed with great Vigour and Success by Captain Hicks and Captain Jumper, with their Pinnaces and other Boats, and with the loss only of two Lieutenants and 40 Men killed, and about 60 Wounded, by the fpringing of a Mine, that blew up the Fortifications upon the Mole. However, the Confederates kept Possession of the Platform, which they had made themselves Masters of, and then Captain Whitaker landing with the rest of the Seamen, that were commanded upon this Service, they boldly advanced, and took a Redoubt, or detach'd small Bastion, half way between the Mole and the Town; and possessed themselves Gibraltar of many of the Enemies Cannon. The Admiral furrendred then sent a Letter to the Governor; and at the same uly 24. time a Message to the Prince of Hesse Darmstad, to defire him, peremptorily to require the Governor to furrender the Town, which his Highness did accordingly. The Governor, whose Garrison did not contilt of above 150 Men, comply'd with the Summons, and having defired to capitulate, had very hono ura:

See the Appendix.

Queen ANNE's Reign.

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nourable Articles granted him for himself, and the Spanish Soldiers and Inhabitants; but it was agreed, that all the Subjects of the French King should be excluded from the Capitulation, and that their Effects should remain at the Admiral's Disposal, and their Persons Prisoners of War.

The taking of Gibraltar, a Place which ever was held to be of the greatest Importance, both by Reason of its Natural and Artificial Strength, and of its advantageous Situation (in the very Narrow of the Streights Mouth) for the Protection or Annoyance of Trade, was such a visible Mark of Impotence in the King of Spain in Possession, and his Ministry, as was like to work powerfully on the Affections, Hopes and Courage of the Partifans of the House of Austria in that Kingdom. The News of that Loss being. brought to Madrid, quite alter'd the Measures of the Duke of Anjou, and the Marquiss de Villadarias was thereupon detach'd with 8000 Men, either to retake that Place, or stop the further progress of the Allies. On the other hand, the French King, whose Interest it was to guard the Spanish Coasts, and Maritime Towns, and to awe and confirm the People of Spain in their Obedience to his Grand-Son by the Reputation and Terror of his Naval Power, sent immediately positive orders to his Grand Admiral, to observe, seek our, and fight the Confederate Fleet, and to affift the Marquiss de Villadarias in the Retaking of Gibraltar. Nor did the Count de Thoulouse want powerful Encouragements to engage the English and Dutch; for, belides his great Superiority in Strength, having ten three deck Ships, at least, more than the Confederates, and all his Ships clean and full mann'd; he had the Advantage of Fighting on a Friendly Coast, and the Benefit of a great number of Gallies, of fingular use in a Day of Battle in those Seas.

On the other hand, the Confederates, besides the Remoteness of Ports and Succour, in case of adverse Fortune, and the great Disadvantage of such a superior Strength against them; they were also conscious of many Detects, which the Enemy could not so well know; such as the Fleets being thinly mann'd; a great Desiciency of Stores and Provisions, both Naval and Military; the one the Effect of a long Voy-

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age,

A. C. age, the other occasion'd by the great Expence of Ammunition at the taking of Gibraltar; and the foul. ness of their Ships, of infinite Prejudice in a day of Battle, fince it would hinder them both from purfu. ing an Advantage, and from avoiding a Misfortune, To all this we may add, that a Rear Admiral, with fix of the Dutch Ships, were, by an Order of the States General, called away some days before, to look after a Fleet of Merchants of that Nation; and that 4 Eng. lish Men of War were, on the same account, absent from the Fleet; but notwithstanding all these Arguments of Discouragement, the Confederates resolv'd

> On the 20th of August, N. S. the Confederate Fleet return'd from Watering their Ships on the Coast of Barbary, and standing out of Tetuan Bay, within fight of the High Lands of Gibraltar, the Centurion, one of the Scours, made a Signal of feeing the Ene.

The Confe. my's Fleet, as their Scouts also did of ours; wherederate and upon a Council of Flag Officers was call'd, wherein it was determin'd to lay to the Eastward of Gibral. tar, to receive them, they being to the Windward, Fleets in fight of one the Wind at East; but it seems, the French did not think then fit to engage, because they had but some few of their Gallies, and the Rendezvous of the reft of those Vessels, being appointed to be at Velez Malaga,

rather to feek, than shun an Engagement.

they ply'd up to that Place, where they found and join'd them.

The Enemy then not bearing down, gave the Confederate Fleet the Leisure to send for half of the 1800 Marines, which had been left at Gibralter, leaving the other half, with all the Officers of that whole Body, to keep Possession of the Place, under the Command of the Prince of Heffe Darmstad. The 21st and 22d, were spent in plying to Windward, in pursuit of the Enemy, of whom they could have no other Account, than what they could gather by the Report of their Signal Guns; and on the 22d, the

† An Hofpi- English having driven a French † Ship ashore under tal Ship, Marabelle, her Crew quitted her, and set her on fire. or a Tender. The 23d, not hearing any of their Guns all night, nor feeing any of their Scouts in the Morning, Sir George Rooke had a jealouse, that the French might make a Double, and by the help of their Gallies, flip between him and the Shore, to the Westward, Up-

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Queen ANNE's Reign,

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on this fuspicion, a Council of War was call'd, wherein it was refolv'd, that in case the Confederates did not fee the Enemy before night, they should make the best of their way to Gibraltar; but standing in to the Shore, about noon, they discover'd the Enemies Fleet and Gallies to the Westward near Cape Malaga, going away large, and bore after them in a Line of Battle all that night. The French in the mean time form'd themselves likewise, by the help of their Gallies into a Line of Battle, and brought to with their Heads to the Southward, the Wind being Easterly, lying ready to receive the Confederates, who on Sunday the 24th of August (N.S.) in the The Sea Morning, bore down to attack them, about 10 or 11 Fight be-

Leagues South of Malaga.

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The French Line, which confifted of fifty Ships, Confedewas very strong in the Center, but weaker in the French rate and Van and Rear; to supply which, most of their Gal- Fleets, lies were divided into those Quarters. The Marquis Aug. 24. de Villette, Lieutenant General, commanded their N. S. Van with the White and Blue Squadrons, having on his second Line the Duke of Tursis, with the seven French Gallies of his Squadron, and hie Spanish. The Count de Thoulouse was in the Center, with the White Squadron, having behind him the Marquis of Roye, with four Gallies; and the Marquis de Langeron, commanded the Blue Squadron in the Rear, having behind him 8 French Gallies, under the Command The Line of the Conof the Marquis de Ferville. sederate Fleet consisted of 53 Ships, Sir George Rooke, the Admiral, and Rear Admirals Bing and Dilks be. * To mit. ing in the Center; Sir Cloudesty Shovel, and Sir John the Dort, Leake leading the Van; and Vice-Admiral Callem. Gelderberg, with Rear Admiral Vander-Dussen, with 12 * land, U-Dusch Ships commanding in the Rear. The Admi. nion, Carral order'd the Swallow and Panther, with the Lark meghen, and Nemport, and two Fireships, to lie to the Wind-Bavaria, ward, that in case the Enemy's Van should push Lyon. Dathrough the Confederates Line, with their Gallies miera, and Fireships, they might give them some Diver-Flushing, lion. A little after ten of the Clock Admiral Shovel Albewith the Van, bore down upon the Enemy, and was marle, at some distance from the Center, which the Marquis de Villette observing, and thinking he might get the Arms of Utrecht a head of that Squadron, with his foremost Ships, of Friefma de land.

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made a Signal to the headmost Ships of the French Line, to croud all the Sail they could. Admiral Sho. vel still bearing down upon the Enemy, infensibly found himself in their Line a head of them; which the French judging to be a favourable Opportunity, refolv'd to make their Advantage of it, by keeping their Wind, and crouding all the Sail they were able, in order to cut off the Van of the Confederates from the rest of their Fleet; hoping, with reason, that if it grew Calm, which usually happens in a Sea Fight, their Gallies might tow them off, so as that they might make a Double, and weather Sir Clou. defly Shavel, and fire upon him on both fides. But Admiral Shovel having discover'd the Enemies Inten. tions, immediately clapped upon a Wind, and Sir George Rooke foreseeing what would be the Conse. quence, if his Van was intercepted, bore down up. on the Enemy with the rest of the Confederate Fleet, and put out the Signal for the Fight, which was im. mediately begun by Admiral Shovel; and was continued with equal Fury, Obstinacy and Resolution on both fides, till about two in the Afternoon, when Sir Cloudesty Shovel having disabled several Ships of the Enemy's Van, oblig'd them to bear away out of the reach of his Cannon. Sir George Rooke had not the like Success in the Center, for the Enemy's Body being very strong, and several of the Ships of the Admiral's, Rear-Admiral Bynge's, and Rear-Admiral Dilke's Divisions being forced to go out of the Line for want of Shot, the Battle fell very hard on the Admiral's own Ship, the St. George, and the Shrewsbury. This being oblerv'd by Sir Cloudesty Shovel, he like a good and valiant Officer, immediately back'd Astern, and endeavour'd to reinforce the Admiral. This Act, both of Mettle, and good Seamanship, had two useful Effects; first it drew several of the Eand Success. nemy's Ships from our Center, which was so hard press'd by a great Superiority both of Strength and Number, and drove them at length out of the Line. For after they had felt the force of this Supply from some of the Ships of Sir Cloudestey Shovel's Division, which were A-stern of him, they found it not fale See the Ap- to advance along his Broadfide; but being clean, and better Sailers, they fet their Sprit-Sails, and with their Boat a-head towed from him, without giving

Admiral Shovel's admirable Conduct. Bravery

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him the Opportunity of Exchanging a single Broadfide with them. These were the Vice-Admiral of the White, and the Rear-Admiral of the Enemy's White and Blue, with part of their Divisions: And tho' Count de Tonlouse was sustain'd by the best Ships, and Commanders in the Center, and affifted by the greatest Officers for Quality, Experience and Courage, who were plac'd as Councellors near him, yet he shared at length the like Fate with his Van, and about seven of the Clock was obliged to tow out of The Dutch in the Rear engag'd the Enemy with the greatest Courage and Animosity, and being better provided with Ammunition, continued firing somewhat later than the rest, but Night coming on, put a Period to the Dispute on that side also: There happen'd an Action in the Center which deserves a particular mention: The Serieux, a Ship in the French Admiral's Divition, Commanded by Monfieur de Champmelin, thrice boarded the Monk, an Enelish Ship Commanded by Captain Mills, who, with great Activity and Courage, every time cleared the Deck of the Enemy, and made 'em at last bear away. Capt. Jumper did also eminently fignalize his Valour in this Fight, with his single Ship Engagaing 3 of the Enemies. In general, all the Officers and Seamen of the Confederate Fleet fought with unparallel'd Intrepidity and Resolution, and had not the Center been so weaken'd by the Loss of the Service of those Ships. which thro' want of Ammunition were forc'd to leave their Stations, 'tis highly probable the Confederates should have obtain'd an uncontested Victory. The French, to give 'em their due, tho' forced in feveral parts of their Line to yield to the superior Mettle and Stoutness of the English, yet rather gain'd than lost Reputation by this Engagement, in which they thew'd uncommon Courage: And, among the rest, the Baily of Lorrain, who was one of Count Toulouse's Seconds, diftinguish'd his Fortitude in a particular manner, encouraging his Men to do their Duty even when he had but few * hours to Live. The Battle being en- see the ded with the Day, both Fleets kept their Line at Appendix, some distance from each other. In the Night the Page 65. Wind shifted to the Northward, and in the Morning to the Westward, which gave the French the Wind

A. C. 1704. N.S.

of the Confederates, and an Opportunity to have renew'd the Fight with Advantage; but both Fleets lav by all † Day, within three Leagues of one another, + Aug. 26. repairing their Defects, and at Night the Enemy fled and stood to the Northward. On the 26th of Au. gust N. S. in the Morning the French were got four or five Leagues to the Westward of the Confederates. but a little before Noon the Latter had a Breeze of Wind easterly, with which they bore down on the Enemy till four a-Clock in the Afternoon, when the French stretching themselves into a Line of Battle, the English and Dutch did the same, and brought to and lay by with their Heads to the Northward all Night. The Confederates brav'd the Enemy only to conceal their own Weakness; for, to fpeak the Truth, neither of the Two Fleets had any Inclinati. on, or, indeed, was in a condition to come to a fecond Engagement, wherefore they were both glad to lose fight of one another; the * next day, when the Aug. 27. Wind being still Easterly, hazy Weather, the French kept on their Course towards the Spanish Coast, and the Confederates made use of the same opportunity

The Villory both Par-Numb. XXIV.

Fleet.

to bear away to the Westward, and so got into Gibraltar. Tho' both Parties claim'd the Victory, yet claim'd by in the opinion of all impartial Judges, neither had a clear Title to it. For, as there was not one Ship, either burnt, sunk, or taken on either side, so † was t see the the Loss of Men near equal on both. 'Tis true, the Appendix, English and Dutch carried their Point, which was to disable the French Fleet, from affifting the Spaniards in the Re taking of Gibraltar; which, together with and XXV. the vast Disproportion of Strength, with which they engag'd the Enemy, makes their Advantage little less than a compleat Victory. Sir George Rooke having Itaid 8 days at Gibraltar to refit, and fupply'd that Place with Men and Provisions, fail'd from thence the 4th of September, (N.S.) and return'd home with the great Ships, leaving behind him Sir John Leake, with a Squadron of 18 Men of War, both for the defence of the Coast of Portugal, and to be in a readiness to * Sept. 25. Succour Gibraltar: if there should be occasion. A-

bout a Month after. Sir George Rookt * arrived at Sir George Spithead, without the loss of a single Ship in the whole Rook returns home course of his long Voyage; and on the 29th of September (O. S.) he waited on the Queen and the Prince with the

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at Windfor, who received him very graciously, and A. C. express'd themselves very well satisfy'd with his Conduct: However, 'tis remarkable, that no publick Rejoycings were made in London upon the first News of the late Sea Fight (which few People allow'd to be a Victory) fave only that the Guns of the Tower were discharg'd.

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As the Insurrection in Hungary distress'd the Empe-The Queen ror's Affairs, near as much as the Defection of the and the Elector of Bavaria, so the Queen of Great Britain, States inand the States General, propos'd to themselves to re-terpose bear lieve his Imperial Majesty by their wholesom Coun-tween the fels in the one, whilst their Armies under the Duke Emperor, of Marlborough, should check and revenge the other. and the The Emperor having accepted the Mediation of Eng. tents of land and Holland, Monsieur Bruyninex, Envoy Extra-Hungary. ordinary of the States General, fet out from Vienna the 4th of March, N. S. for Presburg, to fet the Negociations on Foot, and arrived there two days after. Count Berezini, one of the Chiefs of the Malecontents, having notice thereof, by an Express, sent a strong Detachment to meet his Excellency, and received him at his Head Quarters at Tirna, with all imaginable Demonstrations of Respect. The Ceremony being over, the Envoy made his Proposals to Count Berezini, and made him a lively Exhortation to lay hold of this Opporunity, to make a lafting Peace; concluding, 'That fure Terms were to be preferr'd to the Uncertainty of War, and that the Emperor made such Preparations, that it this Opportunity was neglected, his Imperial Majesty would not, perhaps, admit of any Foreign Princes to interpole themselves as Mediators, and less still as Guarantees, between him and his Subjects. Count Beregini contented himself to Answer the Envoy, 'That he, and his Countrymen, were obliged to Her Majesty of Great Britain, and the States; that he, in particular, was fincerely dispos'd to contribute his utmost to the Pacification of those Troubles, but could not give him any other Answer, till he had concerted the same with Prince Ragotzi, and others, but would not lose any time to let him know their Sentiments. The Envoy returned under a very good Guard to Presburgh, and from thence to

Vienna, where he found Mr. Stepney arriv'd, to affift

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A. C.

The Hostilities renewed.

in that Negociation on the part of the Q. of England. Monfieur Bruyninex, delivered to the Emperor an Ac. count of his Conference with Count Berezini in writing, which occasioned several Councils, and the Imperial Court judging thereby, that the Malecontents promis'd themselves a great Assistance from the French and Bavarians, and were not so well dispos'd to an amicable Accommodation as it was expected, Orders were given to redouble the Preparations against them. and the Generals Heister and Palfi were ordered to march directly to drive them from the Posts they had possessed on the Frontiers. The Malecontents having notice thereof, resolved likewise to shew more Vigour than ever, to let the Imperial Court fee, that they were not discouraged, and ought not to be despiled. In order thereunto they made, on the 22d of March, N. S. an Excursion almost to the Gates of Vienna, and plundered several Villages, which put the Inhabitants of the Suburbs of that City into fuch a Consternation, that they quitted their Houses to retire into the Town; but the 24th the Malecontents retreated with the Booty they had got. This Attempt obliged the King of the Romans to order a Line to be cast up for the better Security of the Suburbs, and neighbouring Villages of Vienna, which was to be guarded by the Militia. The Malecontents were not fo prosperous in other Places. The Garrison of Canif. cha made a Sally upon them the 9th of April, (N.S.) and killed 200. The next Day they were repulled by the Militia of Croatia, with the loss of 300 Men, and forc'd to retire from the Ille of Ciacathurna by General Palfi, leaving 1000 Men killed on the spot. On the other fide, General Heister defeated Count Caroli near Petich, killed 600 Men on the spot, and rook 4 Pieces of Cannon. They rally'd at S. Nicho. las's on the Raab, but were beaten a second time, and their Foot was either cut in pieces, or dispers'd, to that Count Caroli had much ado to fave himself with his Cavalry. They loft in that Action 2000 Men, 19 pieces of Cannon, and 19 Colours. Hereupon the Emperor issued out a new Pardon to the Malecontents, that should return to his Obedience within 15 Days, commencing the 25th of April, which had that good effect, that all the Provinces of the Lower Hungary submitted; and the same Pardon being

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being offer'd to a Body of 10000 Malecontents, Com- A. C. manded by the Sieur Niski, the greatest part laid 1704. down their Arms, and return'd home, and the rest Listed themselves in the Emperor's Service. These Male-Diladvantages enclin'd Prince Ragotzi, Count Bere-contente zini, and other Chiefs of the Malecontents, seriously fend Depuis to deliberate upon the Proposals made to them by Vienna the Envoy of the States General; and having held a great Council among themselves, they resolv'd to fend the Provost of the Chapter of Colocza, and the Sieur Okoluzani, Procurator of the Kingdom of Hungary, and a Protestant of great Interest there, as their Deputies to Vienna, with their Answer to the Emperor's Proposals, and some Demands of their own. Those Deputies arriv'd at Vienna the 9th of April. and the next Day had their Audience of the Emperor; and the 11th of the King of the Romans, the Elector Palatine, Prince Eugene of Savoy, and other The chief Points they infifted on, were, Ministers. That after the Death of the Emperor, and the King of t the Romans, the Kingdom of Hungary might become again Elective, pretending, that the States of that Country, which prefumed some Years before to 'alter that Fundamental Law, had no Legal Power to do it, and betrayed the Trust reposed in them, as well as the Liberties of their Country. Tho' Their New the Imperial Court was resolved never to yield that gotiation. Point, yet several Conferences were held between the Emperor's Ministers, and the Deputies of the Malecontents, who not long after receiv'd the Emperor's Resolutions on that Negociation, which related to the Preliminaries. The most considerable Articles were, " That there should be a Cessation of all Acts of Hostility for fix Weeks, and that during that Time, there should be a meeting of the Commissioners of the Emperor, and the Deputies of the Hungarians, to endeavour to reconcile all Differences, by the Mediation of the Ministers of England and Holland. The granting of a Cellation of Arms was strongly opposed by several Ministers of the Jesuitical Faction at Vienna, who represented, That this was but an Artifice of the Malecontents to gain Time, and see whether the French Succours could join the Bavarians, without whose Assistance, by Diversion or otherwife, they could not pretend to maintain

1704 ties conti-

War against the Emperor. In the mean time the Politicues continued, and the Malecontents, in their turn, gain'd some Advantages on the Imperialists: The Hofili- For General Tramp, who attack'd the Hungarians on the 20th of April in the Island of Schut, was repuls'd with loss, and died some days after, of the Fatigues he underwent in that Enterprize: On the other hand, Prince Ragotzi marched towards Buda, and passed the Danube below that Place, in order to regain the Country Count Caroli had loft, wherein he was powerfully affifted by Count Forgatz, a good Commander, who had lately deserted the Emperor's Service, and who obliged several Places of the Lower Hungary to declare again for the Malecontents. Thereupon Prince Ragotzi summon'd a General Diet of the Male. contents, to meet at Ketschkemet the 23d of May, (N. S.) to provide for the Government of Hungary. both in Civil and Military Affairs, which giving no small lealousy to the Court of Vienna, the Archbishop of Colocza was fent to meet that Prince in his Camp, and confer with him on the Proposals of Peace offer'd by the Emperor; which not being likely to be accepted, his Imperial Majesty dispatch'd Count Sigismond Lamberg to Comorra, with new Instructions, and Full Power to make larger Concessions.

The 9th of June, being the Anniversary of the Birth of the Emperor, who enter'd into the 65th year of his Age, there were great Rejoycings on that Occasion, but the same were disturb'd by the Malecontents, who advanc'd within half League of the Lines of Vienna, burning and plundering several Villages. They destroy'd all the wild Beasts kept in the Park near Swebet, which the Turks spar'd when they Besieged Vienna, and amongst others, they kill'd the two extraordinary Leopards presented to the Emperor by the late Grand Signior, who were fo tame, that they were made use of for Hunting, instead of Dogs. This Excursion occasion'd a great Consternation at Vienna, whither the Country People flock'd in great numbers; but the Garrison and Citizens getting to their Arms, repair'd to the Lines, and the Malecontents did not think fit to advance any They continu'd two Days in the Neighbourhood of that Place, but Count Caroli, who commanded them, march'd on a sudden towards Raab,

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to act in conjunction with Count Forgatz, who de- A. C. fign'd to furround General Heister. They made feveral motions accordingly, but General Heifter having notice thereof, refolv'd to attack. Count Forgatz, before he was join'd by the others; and engag'd him on the 13th near Giermuth, and routed him. The Malecontents run away in great disorder, leaving 2000 Men kill'd on the spot, 6 Pieces of Cannon, 40 Colours and Standards, and several Waggons loaded with Baggage and Ammunition. Count Caroli marched with fo much Diligence to fuccour Count Forgatz, that he appeared in light of the Imperialists, but seeing the Field of Battle cover'd with dead Bodies, he marched towards Papa, where Count Forgatz rally'd his scatter'd Forces, which before the Fight were computed 18000 Men. However, the Malecontents were not unfortunate every where; for, towards the beginning of June Count Berezini defeated the Imperialists, who had 700 Men either kill'd or taken, and among the latter General Ritschau. their Commander. These mutual Disasters seem'd to dispose both Parties to Peace; and thereupon the Deputies of the Hungarians return'd home with the

Emperor's Answer in Writing, containing among o- Concessions ther Things the following Particulars: 1. That the offer'd by Kingdom of Hungary shall be again declared to be E- the Empe-

lective, upon certain Conditions and Restrictions, ror.

That the Three Religions, viz. the Roman Catholicks. Calvinists and Lutherans, tolerated in that 'Kingdom, shall be maintain'd in their respective Privileges. 2. That there shall be a general Pardon, and Act of Oblivion, without any Exception.

That the free Trade of that Nation shall be restor'd; and 5thly, That a general Dyet of the States of that Kingdom, shall meet once every Three Years.

In the mean time the Archbishop of Colocza having conferr'd at Papa, with the Counts Caroli, Berezini and Forgatz, who appear'd well enclin'd to an Accommodation, sent a Pass from those Generals to Count Lembergh, who was arriv'd at Raab, with a new Commission from the Emperor, and some turther Proposals. Count Lembergh repaired thither accordingly, but Prince Ragotzi, whose towring Ambition was still fed by some fresh Supplies, both of Men and Money, and larger Promises from France,

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A. C. refus'd to fend him Passes to come to him, and thereby put a stop to those Negotiations. However, the
two Deputies of the Hungarians being return'd to
Vienna, deliver'd to the Imperial Ministers a long
Memorial, which contained the following Demands.

Demands of the Hungarians.

c 1. THat the English and Dutch Ministers shall be Mediators. 2. That the Generals Heister and Rabutin may be recalled. 3. That the King shall reside at Presburg or Buda. 4. That the Right of a Free Election, their Ancient Privileges, and the Decree of St. Andrew, shall be confirm'd. 5. That a Diet shall be held in Hungary once in three Years. 6. That the Treaty with the Turks may be commuhicated to the Hungarians, and no Treaty afterwards be manag'd without them. 7. That all Foreign Troops be fent out of the Kingdom, and never brought in again, without consent of the Diet; and that the Hungarian Militia may be set on Foot, 8. That the Courts of Justice may have their Ancient Freedom. 9. That the Benefices and Offices of the 'Church, be given to none but Hungarians, Protefants as well as Papists. 10. That the Ancient Privileges be restor'd to the Office of Palatine. 11. 'That the Mountain Towns, and well as other Free Royal Towns, may enjoy all their Liberties. 12. That the Court Chamber, who have the Charge of the Affairs of Hungary, may be subject to the Laws of Hungary. 13. That the Salt Trade of Hungary may be free: 14. That all Posts in the Kingdom be conferr'd upon Natives, without Difference of Religion. 15. That no Impost or Taxes be laid on, but by the Diet, nor any Troops quartered but by their Consent. 16. That all the new Conquests be incorporated with the Kingdom. 17. That the Hungarians be not vexed as formerly, by Commissaries about bordering the Conquests. That no Hungarians be try'd by Commissions out of the Kingdom, 19. That the Sentence against Ragotzi be reversed, and he declared a Prince. 20. That none but Native Lawyers be admitted into the Hungarian Chancery, 21. That all Strangers go out of the Kingdom. 22. That the greater and leffer Nobility may enjoy their Privileges. 23. That

That the Revenues and Patrimony of the Crown A. C. be annexed to the Crown. 24. That the Jesuits be 1704. bandh'd the Kingdom. 25. That the Transilva-'nians be likewise made a Free People. These Articles being debated in the Emperor's Council, they The Emperor's returned an Answer to this Effect. 'That the Rights ror's An-'acquired in Hungary by the Blood of the Germans, swer. and at the Charge of the Hereditary Countries, be maintain'd. That the Hungarians shall be reflored to all their Rights and Posts, and their Rights and Privileges shall be preserv'd. That the Articles of the Diets of Edenburg and Presburg, concerning Religion, shall be inviolable, and that Offices shall be indifferently conferr'd. That the Price of Salt shall be limited, the Superfluity and Want of it provided against; and the like in Transilvania. That the Hungarian Wine shall be allow'd Course into Neighbouring, as well as into remote Countries; 'That as foon as a Cellation of Arms is concluded, the Malecontents shall be allow'd to present their Grievances in the Presence of the Ministers of 'England and Holland, and that, for the time to come the Emperor himself shall be present at the Diet of Hungary, to consult with the States about what shall be necessary; or otherwise the King of the Romans shall be sent thither for that end.

Notwithstanding all these Advances towards a Peace, the Imperialists and Malecontents renew'd their Hostilities with redoubled Fury; but the Success of the Duke of Marlborough at Schellenberg enclined Prince Ragotzi to an Accommodation, and to grant Passes to the Archbishop of Colocza and Count Sigismund of Lembergh, to repair to Gongos the 20th of August, to make their Proposals to the Chief Leaders of the Malecontents, who were Summon'd to meet there. The entire Defeat of the French and Bavarians at Blenheim had still a greater Influence on the Affairs of Hungary. The Envoy of France that attended Prince Ragorzi, was not able to varnish over that Disaster; and the Chiefs of the Malecontents wifely confidered, That France and Bavaria being not in a condition to affilt them, and the Turks either unwilling or unable to do it, it was high time tor them to think of making the best Terms they could, by the Mediation of those Powers who

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A. C. so generously interposed their good Offices. A Ces. 1794. fation of Arms was thereupon agreed to, on both

fides, and Schemnitz appointed for the Place of Treaty. A Coffair- The Emperor named Count Sigismund of Lembergh, on of A ms Count Bobari an Hungarian, and the Baron de Zeilern agreed in for his Commissioners at the Conferences; the Hungarians appointed the Counts Berezini and Caroli. with the Sieur Radzkai, to be their Pienipotentiaries; and Mr. Stepney and Monsieur Bruyninex were to affift at the Treaty, as Mediators from her Britannick Majesty and the States General. The Commissioners of the Emperor, with Monsieur Bruyninex, set out the beginning of October, N. S. for Presburg, where they expected feveral Days the new Pasports from Prince Ragotzi in the Form infifted on by the Court of Vienna. That Prince had fent Pasports before; but having therein taken the Title of Prince of Tranfilvania, and Chief of the Confederates in Hungary, the Imperial Ministers would not accept the same, lest those Titles should be of ill Consequence. Prince Ragotzi made some alterations therein, but did not entirely comply with the Form fent from Vienna, which was likely to stop the Negociations, had not the Envoy of the States prevail'd upon the Imperialists to pass over all Formalities, shewing them, by feveral Instances, that they could no ways prejudice the Interest of their Master, and that if Niceties of this nature were infifted upon, it would have been impossible to make any Treaties, for these many Ages between the Crowns of England and France, because the Monarchs of Great Britain do not only take the Titles of King of France, but do likewise quarter the Escutcheon of their Arms with Three Flowers de-Luce. These Reasons were so strong, that the Imperialists consented to go on, and accordingly the Mediator and Plenipotentiaries fet out from Presburgh the 13th under a Guard of 50 Soldiers, Commanded by a Lieutenant, who conducted them to about half a League of that Place, where they were receiv'd by Three Troops of Hungarians. They continued their Journey by Scenez, Wartbergh, Schinta and Leventz, thro' a most difficult Country, and the 17th in the Afternoon arrived at Schemnitz, a place that lies on the fide of a Hill, which is so uneven, that the Streets are full of Rocks, and the bottom of the the Town to extraordinary dirty in rainy Weather, A. C. that it is almost impossible to walk on Foot, or use Coaches. The first Days were taken up with receiving and returning Visits, and the Archbishop of Treaty at Colocza, Count Sigismund of Lemberg, Count Berezini, Schemand the Baron Szirmay, gave the first Visit to the nitz. Envoy of the States General in respect to his Character. They appointed likewise a Guard to stand before his House, and Count Berezini sent his Coach and Six Horses, with Six Heydukes, to attend his Excellency. Prince Ragotzi being arrived at Eyfenbach, within two Leagues of Schemnitz, under Pretence of using the Warm-Bath of that Place, the Sieur Bruininex went thither the 20th, and that Prince fent two Coaches with fix Horses, and fix Led Horses, with several Noblemen and Gentlemen, to meet him. and receiv'd him with all imaginable Respect. His Excellency made a Speech fuitable to the Occasion, and gave a short Account of the Reasons and Motives which had induced the Queen of Great Britain, and the States General, to interpole their Mediation and Good Offices for reconciling the unhappy Ditferences that had lately diffurb'd Hungary, and defir'd that his Highness would do, on his part, whatever might facilitate the Treaty. That Prince answer'd, in a most civil manner, that the Hungarians could never sufficiently acknowledge the Generosity of her Majesty, and their High Mightinesses; that for his Part he was ready to use his utmost Endeavours to promote Peace; that he was empowered to accept provisionally the Mediation of England and Holland: only for regulating a formal Suspension of Arms, but that it was not in his Power alone to accept it in general for a Peace. He fosten'd that Declaration as much as possible, and the Mediator having taken his leave was conducted back with the like Ceremonies to Schemnitz, where he returned the 21 lt.

Those who knew the Circumstances of the Emperor's Affairs, the Necessity of Relieving the Duke of Savoy, and carrying on a vigorous War against France; did reasonably believe that the Imperial Court would be so far from resusing to redress the just Grievances of the Hungarians, that even they would, by some new Concessions, disarm the Malecontents, and settle the Tranquillity of that Kingdom upon a lasting

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A. C. Foundation; but it seems the Intrigues of Monfieur Verwille the French Engoy, with Prince Regotzi, contributed less to the breaking off of the Conferences at Schemnitz, than the Stiffness of the Imperial Com. missioners, as may easily be gather'd from the following Letter, which was written by a Gentleman who accompanied the Dutch Mediator:

A Letter giving an the break-I 5th.

Have had no opportunity to write to you fince my last dated from Schemnitz the 22d of Odo. Account of ber, wherein I acquainted you with the Audience 'Monsieur Hamel Bruynincx, Envoy Extraordinary of ing off of the States General, had of Prince Ragotzi at Eyfen. the Treaty, bach, I told you also, that that Prince had not fordated Vi- 'mally accepted the Mediation of England and Holenna Nov. land for a Peace, but only for a farther and formal Prolongation of a Suspension of Arms. Mr. Stepney, Envoy Exraordinary of her Majesty of Great Britain, being arrived lew days after, we were in hopes that those Negociations would have had a good Iffue; but the Plenipotentiaries of the Emperor having delivered, in writing, the Conditions up. on which they were empower'd to consent to that Suspension of Arms, the Deputies of the Hungarians declared to the Mediators, that the Points infifted upon by the Imperialists were so unreasonable, that it was plain, they did not feriously intend to make an end of these Troubles in a friendly way, and their Propolals did not deserve an Answer. Mr. Stepney and Monsieur Bruyninex used all imaginable endeavours with Prince Ragotszi to prolong the Truce for 14 days longer, in hopes that they might have time to write to the Emperor, but that Prince would not hearken to it, unless the Imperialists yeilded certain Points, which the Mediators could never obtain from the Imperial Plenipotentiaries. The Mediators desir'd the Hungarians to deliver a Counter-Project, but to no purpose, and so that Negociation broke up without any fuccess, tho' none of the Parties did absolutely deny what the other demanded. The Imperial Commissioners infifted, that the Hungarians ought to give an anfwer to their Project, and Count Berezini, and the other Deputies of the Malecontents, alledg'd, that Prince Ragotszi, in the name of the rest, having de-· liver'd TUOT

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liver'd a formal answer at Giengach, to the Proposals made unto them on the part of the Emperor, by the Archbishop of Colocza, there was no need of any other Answer; and that if the Imperialists were fincerely dispos'd to Peace, they ought to return a reply to their faid Answer, that the Mediators might fee wherein they differ'd, and endeavour to bring them to an Agreement. Which Party was in the right, and most seriously inclin'd to Peace, I leave it to you to judge; but a great many on both fides could not forbear expressing how forry they were, to see that the Negotiations should break up upon 'a nicety of Form. I shall not trouble you with a particular Account of the Demands of the Imperialists, which you may have seen already, but I 'must tell you, that when Count Berezeni saw, that they infilted that they should restore Cassovia, and 'all the places in the Mountains, and evacuate Up. 'per Hungary, he declar'd that those Demands were 'no less surprizing to them, than if they had requir'd that Prince Ragotszi, and all the Hungarians, should ' send their Heads to Vienna, according to the Pra-'ctice of a Neighbouring Empire. By the Propo-' fals made by the Archbishop of Cologza, the Empe-'ror consented that Prince Ragorzi should be restored 'to the Possession of all his Estate Per viam Gratia, 'as an Act of Grace and Favour; but the Hunga-'rians, in their Answer, insisted, that it should be 'express'd, that Restitution was an Act of Justice, Per viam Justitie. I was inform'd that a Turkish Envoy or Agent, came to Exfendach while the Mediators were at Schemnitz, but that he declar'd that the whole Kingdom of Hungary being in Arms, he was come there only ad videndum & audiendum. to take care nothing prejudical to the Interest of the Port should be concerted there. Prince Ragotzi fet out the first Instant for his Army, and the 7th Instant invested Neuhausel with 16000 Men, provided with a great Train of Artillery, and several able Engineers, most of them of the French Nation; and the Malecontents hope to be foon Mafters of that place. The Garrison is but weak, and indifferently provided, and belides, the Fortifications have been very much neglected fince the taking of Buda, and so many other places nearer the Turkish Dominions.

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nions. The Mediators feeing all their pains and endeavours thus frustrated, return'd hither the 12th Instant, and labour indefatigably for giving the Emperor a right Idea of the present polture of Affairs in Hungary, which, 'tis feared, have been mifrepresented. The Revolution in the Ministry at Conftantinople, adds a new weight to their Reasons; for it may be fear'd, that the new Vizier, may be influenc'd by the Councils and Mo. ney of France, and engag'd to persuade his Master to affift the Hungarians, Those good Offices of the English and Dutch Ministers are the more necessary, because there is a strong Faction here, which would rather see the Hungarians subdued by force of Arms, in hope of enriching themselves by Con. fiscations, than make any step for reclaiming them to the Obedience of their Sovereign. This Faction, which kept for some time behind the Curtain, appears now somewhat publickly; but we have some reasons to hope, that they will miscarry in their Designs, especially, seeing the King of the Romans has more than once declared, that he was convinc'd of the falle measures the Imperial Court was inspired with by that Party. Thus the Good Offices of Her Majesty of Great Britain, and of the States General, were frustrated, to the great Surprize and Disappointment of all who wish'd well to the Common Cause, and who could not but lament to fee the great Concerns of the House of Austria in Italy, and on the Rhine, facrific'd to the Interest of the Jesuits, and of those Germans who enjoy illegal and arbitrary Confiscations in Hungary. The Recruits so long promised the Duke of Savoy and Count Leiningen, were thereupon fent into Hungary; and the Defence of the Empire, and the Care of fetting Bounds to the Ambition of France, entirely left to the English and Dutch: Which unaccountable Conduct caused great Murmurings in Vienna, and well grounded Jealousies in England and Holland, who did justly expect a better Return for the vast Expence of Blood and Treasure which they were at, in Defence of the Rights of the House of Austria, than a Refusal from the Emperor's Ministers, to redress the Grievances of their Protestant Brethren in Hungary.

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Let us now attend the Duke of Marlborough, whom A. we lest with Prince Eugene, at the Camp of Croon 1704. Werssemburgh, covering the Siege of Landau, before which Place the Trenches were open'd the 16th of The Trenches September (N.S.) The Day before, his Grace went open'd beto the Camp before that Place, and upon his return, fore Lanthat Night was seiz'd with a Fit of an Ague, ofdau, which, however, he was soon recover'd. The 18th Sept. 16. Monsieur de Martigny, Chamberlain to the Duke of N. S. Lorrain, came to Croon Weyffemburgh, with a Compliment from his Matter, to the Duke of Marlborough, to desire his Grace's Protection for his Territories. which now lay expos'd to the Excursions of the Confederate Troops. Count Oxenstiern, formerly the King of Sweden's Envoy in England, and at this time Governor of the Dutchy of Deux Ponts, which belongs to his Swedish Majesty, waited at the same time on the Duke of Marlborough, requesting the fame Favour: Which his Grace generoully granted Three Days † after, the King of the Ro-The King of mans arrived before Landau, and the Duke of Marl-the Roborough, who by this time was perfectly recovered of mans comes his Indisposition, waited upon his Majesty the next before the Day, accompanied by Prince Eugene, and several o Place. ther General Officers; and was received by that Im. † Sept. 21. perial Prince with such Demonstrations of Joy and Affection, as fufficiently express'd the high Esteem he had of his Grace's Personal Merit, and of his great Services to his Majesty's Family, and the whole Empire. The Duke Itaid two Days before Landau, and having viewed the Approaches, which he found in pretty good Forwardness, he * return'd to his own . Sept. 24. Camp at Croon-Weissenburg, whither he was follow'd the next day by Prince Eugene: Upon whole arrival four Regiments were fent to reinforce the Siege. The 26th rhe Beliegers continued their Works without any Interruption; but on the 27th the Garrison made a vigorous Sally, tho' without any great Success, being repulsed with equal Loss, which was inconsiderable on either side. The 28th in the Morning, the Duke of Marlborough waited again upon the King of the Romans, to a Review of the Army before Landau, which had been lately reinforced by the Troops from before Ulm, and his Grace return'd to Weissemburg the next Day. Thesecond of October,

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Officers of his Court and Army, went from his Camp before Landau to Croon-Werssemburg, to make the Duke of Marlborough a Visit, and see his Victorious Troops, of which his Grace having Notice, he drew up his Forces in two Lines, and receiving his Majesty at the Lest wing of his Army, waited on him all along the Line, and saluted him with a triple Discharge of all the Artillery, and small Arms. The King being extreamly well satisfied at the good Condition he found the Duke's Troops in, and pleased with the Entertainment, he, and his whole Court and Officers, had receiv'd from his Grace, returned in the Evening to his Quarters near Landau. Five Days 1 after, the Duke of Marlborough paid another

Days † after, the Duke of Marlborough paid another Visit to the King of the Romans, and Prince Lewis of Baden, with whom he had a long Conference, after which he view'd the Approaches, and the 10th return'd to his Camp at Weissemburg, where the next day Monsieur Watchleberg, Envoy from the King of Poland, to the Emperor, and the Marquis de Prie, Envoy from the Duke of Savor, waited on his Grace,

with Commissions from their respective Masters.

The Siege In the mean time, the Siege of Landau was carried of Landau on with less Success than was at first expected: For draws smothe Place was not only made stronger since it fell last length. into the Hands of the French, but was likewise well provided with a numerous Garrison, and defended

provided with a numerous Garrison, and defended by a Skilful and Brave Governor, Monlieur de Laubanie; not to mention, that the Germans, after their usual Way, found themselves short in their Artillery, Ammunition, and other Necessaries. The French having observ'd, that the Safety of that Place consisted in the Ourworks, had not only enlarged the Redoubt called the Lunette of Melat, which was taken the 10th of October (N. S.) after a front Resistance; but they had undermined all the Glacis, Counterscarps and Covered Ways, which rendered the Approaches extraordinary difficult, and took up a confiderable Time, the Besiegers being obliged to advance to the Counterscarp by the Sap, without daring to attempt it otherwise. Having discovered several Mines, they ventured the 18th to beat the Enemy from the Countericarp, but the Attack beginning two Hours looner than it was resolved, they could not maintain themQueen ANN E's Reign.

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Elves thereon on the Left, and lodged them felves on- A. C. ly on the Saliant Angle on the Right. The length 1704. of this Siege made the Duke of Marlborough very un easie at Croon Weiffenburgh, his Grace being afraid See the that he should not have time to execute his Deligns Appendix, on the Moselle, which were no less important than Number the taking of Landau. This Uneafiness increased, upon Advice, that the French intended to fend a Reinforcement towards Triers from the Netherlands and Haquenau; which made him refolve to prevent the Enemy, and to march thither in Person with part of his Forces, and to leave the rest under the command of Prince Eugene of Savoy, at Croon-Weissenburgh: This Resolution being taken, his Grace sent † some + Oct. 13. Battalions, and a Detachment of Dragoons to poffes N. S. Homburgh, with Orders to fortifie that Post; that Detachment was followed by another, with the Artillery, commanded by Colonel Blood, and on the 22d the rest of the Forces designed for that Expedition, marched to Hamburgh, where the Duke join'd them the 24th. His Grace haften'd his March as much as was possible thro' a mountainous Country, which is in a manner defert, and on the 28th arrived at Hermerskel, within fix Leagues of Triers, where three Deputies of that City waited upon his Grace, and acquainted him, that the French having still 200 Men in the Fort of St. Martin, they were apprehensive of some ill Usage, if his Grace did not prevent it. Up- The Duke on this Account, the Duke march'd the 29th before of Marl-Break of Day with all the Horse, and four Battalions borough of Foot, and about it of the Clock his Vanguard fecures appearing in fight of Triers, the French abandon'd Triers, the Fort, having thrown their Ammunition and some Oct. 29. Corn into the Mofelle. Our Dragoons pursued them N. S. to the Banks of the River, and took part of their Baggage, and some Prisoners. The Enemy had no looner pass'd the River, than they burnt the Bridges, and, in all likelihood, would have done more Mifchief, if the Duke had not come fo fuddenly to diflodge them. His Grace having thus pollefs'd that important Post, summoned a great number of Pioneers to work on the Fortifications of Triers, and went the last of October, (N. S.) to view the Ground about the Saar, and caus'd a Camp to be mark'd at Consadrbrich on that River, for the Horse to cover

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A. C. those that work'd on the Fortifications of Triers, while ther the Cavalry march'd accordingly the first of No. vember, (N.S.) The fame Day the Duke made the Repartition of the Winter Quarters to the feveral Generals under him, and in the Afternoon went to. wards Traerbach, accompanied by the Hereditary

view Tractbach.

He goes to Prince of Heffe Caffel, and other Generals. lay that Night at Fels, the next Day at Nimeguen, and came to Bern-Caffel the third of November about Noon: His Grace went immediately to the rifing Grounds near Traerbach, to take a narrow View of the Place. and review'd the Dutch, which were lately arriv'd in the Neighbourhood from the Maele; and having gi. ven the necessary Directions for the Siege of Trace. bach, the Care whereof was committed to the Prince of Heffe. Caffel, his Grace fet out the next Day early He returns on his return to the Campat Weissemburg. His Grace

N.S.

to Landau, came that Night to Kern, the next Day to Keyserslau. teren, and the 6th at Night to the Camp before Landau, where he found the Besiegers Masters of the Counterfearp, on which they had rais'd fome Batte. ries; and more being perfected the next Day, they had about 60 Pieces of Cannon firing to make a Breach. The 8th of November the Duke return'd to Weissenburg, somewhat displeas'd with the slowness with which the Siege of Landau was carried on, and confidering that the French had fent all their Horse of the Houshold from their Camp at Haguenau, to put them into Winter Quarters, his Grace order'd the English Cavalry to march from Croon-Weiffenburg towards Holland. On the 10th of November, the Treaty of Accom-

> modation between the Emperor and the Electress of Bavaria, was concluded by the King of the Romans, and the Deputies of Her Electoral Highness, who was to furrender all the Towns in the Possession to His Imperial Majesty; to continue at Munich with a Guard of 400 Men, and to have a yearly Pension allowed her out of the Revenues of that Electorate, for the support of Her Court and Family. About the middle of November, the Duke of Marlbo. rough, being sensible that the Siege of Landau would not last much longer, took his Leave of the King of the Romans, and the other Generals, order'd the English Foot to decamp, and march towards the Rhine, in ofder to be embark'd for Holland; and having given the

Treaty with the Ele-Ares of Bavaria concluded, Nov. 10. N.S.

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fary directions for the Winter Quarters of the rest A. C. of the Forces under his Command, resolved to crown 1704. his Glorious Campaign by an important Negociation with the King of Prussia, in favour of the Duke of The Duke of Savoy; in order to which, his Grace fet * out from Marbo-Weissemburg on his journey to Berlin, the 15th. of rough ends November: The same Day the Besiegers before Lan- kis Camdan storm'd the Half-moon next their Approaches, paign, and and lodg'd themselves on it with inconsiderable loss. goes to Ber-A week † after they sprung a Mine under that Half. Nov.15. moon, which threw up fuch a great quantity of Earth, † Nov. 22. that it almost fill'd up the Ditch. The Besiegers made use of this Advantage to attack the two Counter guards, and wholly posses d themselves of that on the Right, and took Post on the Angle of the other on the Lest; whereupon the Garrison beat a Parley Landau the next day. Hostages being exchanged, the King Capituof the Romans granted the Garrison very honourable lates, Nov. Articles; in pursuance of which they deliver'd one of 23. the Gates the 25th, and the 26th, marched of the Landau, to the number of 3400, which surviv'd out and surof 7000 Men, of which the Garrison consisted at the rendred, beginning of this Siege. The loss of the Besiegers Nov. 25. was less in proportion, for they had not above 2000 Men killed, and about twice as many wounded; but yet the French Governor gain'd more Honour by his vigorous Defence, than the Germans did Just Praise by their Conquest, fince he stopt above Two of the Go-Months, the Progress of a Victorious Army, which vernor. might otherwise have penetrated into the very Heart of France; an Honour, which together with a good Pension from his Master, made Monsieur de Laubanie large Amends for one of his Eyes, which he lost in that memorable Siege. The King of the Romans went into Landau, the same day the French evacuated the I own, and found it reduced to a heap of Rubbish; and having given the Command thereof to the Count de Frieze, who had before fill'd that Post with so much Reputation, his Majesty set out for Vienna; lending Prince Eugene to reduce the retractory Garrison of Ingoldstade, and to settle the Affairs of Bavaria; The Duke and leaving to Prince Lewis of Baden the disposition borough's of the Forces of the Rhine. The Duke of Marlborough arrived at Berlin the 22d and Enter-

of November in the Evening, having been received in tainment

all the Towns through which he passed, which lay at Berlin.

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mostly in the Territories of the Landgrave of Hene Saffel, the Duke of Wolfembuttel, the Elector of Hannover, and the King of Pruffia, with extraordinary Marks of Respect. His Grace upon his coming to Berlin, was met without the Town by the King's Great Chamberlain, the Field Marshal, the Lord Raby, Envoy Extraordinary from Her Majesty of Great Brittain, and several other Persons of Quality, and was carried to the House for Entertainment of Ambassadors, where his Grace, with his Retinue. was lodged, and entertained during his stay there. His Grace had Audience that Evening of the King and Queen, and was received with great Kindnels The 24th the Prince Royal entertain'd him at Dinner, where were the King and Queen; with the Foreign Ministers, and several Persons of Quality; and at Night gave a Supper, and af. terwards a great Ball, for his Grace's Entertain-The Twenty Fifth the King had for his Grace's Diversion, a Combat of Wild Beasts in his Amphitheatre; and at a Supper, which my Lord Raby gave his Grace, the King, with the Margrave his Brother, came and Supped with him. Neither were the Ministers of this Court, the Foreign Ministers, and other Persons of Quality, wanting to pay their Respects to his Grace, but all strove, in a particular manner, to express their Sense of his Personal Merit, and of the fignal Advantages the Empire had receiv'd by his Courage and Conduct. The 26th. the Prince Royal of Pruffia fet out for Hannover; and the Duke of Marlborough left that Court, and proceeded towards that Place, being extreamly well fatisfied with his Reception, and the fuccess of his Negociation. The King presented him at his departure with a Hat, with a Diamond Button and Loop, and a Diamond Hatband, valued at between 20 and 30000 Crowns, and two fine Saddle-Horses, with very rich Furniture, and with other Presents. His Majesty also gave Noble Presents to Mr. Cardonel, his Secretary, and other principal Persons of his Grace's Retinue. As for the subject matter, and result of the Duke's Negociation, no more of it is yet come to Publick Knowledge, fave only, That his Grace obtain'd that 8000 Prussians should march into Italy, to serve there for the relief of the Duke of Savoy, under the Com1.

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mand of Prince Eugene, who having been Eye-Wit- A. C. nessof their Behaviour at the Battle of Bleinheim, could not sufficiently praise their Bravery and Resolution. The Prince Royal of Prussia, and the Duke of Mariborough, arrived at Hanover the first of December; where And at his Grace was receiv'd with all imaginable demonstra- Hanover. tions of Respect and Kindness by that Elector, the Princels Sophia, and all the rest of that Court, and always eat with their Electoral Highnesses. On the ath the Prince Royal of Prussia left Hanover, and continued his Journey to Holland. The Duke of Marlborough, who intended to have fet forward at the same time, but was prevail'd upon by the Elector to stay a day longer, took his Audience of leave that night, and the next * Morning begun his Journey towards Hol- * Dec. 5: land. Four Daysafter t his Grace arrived at Naerden, N. S. where he was met by one of the Secretaries of the Dec. 9. City of Amsterdam, who had been sent by the Magi. N. S. frates, with two Yatchs, to invite and attend him And at frates, with two latens, to invite and attend than Amster-thither. The next Morning his Grace, after he had dam, Dec. viewed the Fortifications and Magazines of Naerden, 10. proceeded by Water towards Amsterdam, where, artiving about Noon, he was received at the Limits of that City by Burgomaster Wiesen, and the Pensiohary, who complimented his Grace in the Name of the whole Magistracy, congratulating his safe return from his glorious Campaign, and his Victories at Schellemberg and Hochster. The Speech being ended, his Grace was brought in the Burgomaster's Coach, followed by a great number of other Coaches, wherein fat the Senators, and other Persons of Note, (two Secretaries riding before) into this City, and was faluted with feveral Rounds of all the great Guns from the Walls. His Grace was conducted to Burgomafter Witfen's House, thro' the greatest Concourse of People, and Expressions of Joy, that have been seen upon any Occasion. His Grace was welcomed there by all the Governing Burgomafters, the Pentionary making a very Eloquent Speech in their behalf. After Dinner they accompanied his Grace to the City-Theater, where a Comedy was Acted, with feveral Entertainments of Dancing and Musick, for his Grace's Diversion. † The next day his Grace return'd + Dec. 114 the Visits to all the Governing Burgomasters, who N. S. gave his Grace, and the English Gentlemen, who

A C. were with him, a Noble Entertainment at the Heeren Ledgemens, having thewn his Gracetheir famous Stadt. house and Magazine, with the Magazine of the East India Company, and the Jews great Synagogue, who fung a Benediction to Her Majesty, and Her Allies. He gees to The 12th in the Morning his Grace fet out for the the Hague, Hague, being again saluted with a triple Discharge of all the Cannon and the like Acclamations of Joy from

N S.

the People. In the mean time the Prince of Heffe Caffel was carrying on the Siege of Traerback, where the Allies found as great resistance, as they had met with at Landau, in proportion of the bignels of the Place. and the number of the Garrison. The Castle of Tra. erbach was Invelted the beginning of November, and the Batteries began to play the 18th of that Month. with to much Success, that on the 21st the Beliegers attempted to fform and scalade it, but the Rock, on which that Fortress is built, proved to steep on that fide; the Rain was fo violent, and the Belieged made so vigorous a Defence, that the Affailants were forced to retire with loss. The French Governor having been mortally Wounded in that Attack, the Allies hoped to have better success in another Attempt, which they made the 23d in the Night, but they were again oblig'd to abandon that Attack, and to remove their Batteries on the other fide, where the Ascent of the Rock is more easy: Which Ser. vice took up their time till the latter end of November (New Stile.) The French made some Morions about Thionville, as if they intended to march to the relief of Traerbach; but the Prince of Heffe Caffet having detached some Troops, to reinforce Lieutenant General Hompesch about Triers, the Enemy returned to their Quarters; and thereupon the Allies put the Dutchy of Lorrain under Contribution, the French having first violated the Neutrality of that Dutchy, and its Dependencies. The badness of the Weather, and the loss of the Baron of Trogne, the States chief Ingineer, who was That by the Prince of Hesse's side, giving the necessary Orders, were great Discouragements to his Highness to pursue the Siege of Traerbach; but nevertheless Dec. 20, that Prince caused the Attacks to be carried on with Vigour, and at last obliged the Garrison to * surren-

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der, tho' on Honourable Conditions. Besides, the A. C. Governor, who died of his Wounds, the French lost 250 Men out of 600, which was the number of the Garrison before the Siege. As for the Allies, they

1794.

had about 1000 Men kill'd or wounded.

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Tho' the States Army in the Netherlands did no Campaign thing confiderable this Summer, yet some Passages in the Nethat happen'd on that fide, deserve a short men therlands tion in this Annual History, whose design is to relate incomsideall the Events that have any Relation to the Grand rable. Confederacy, of which her Britannick Majesty is the main Support. On the first of June (N.S.) Monfieur d'Auverquerque decamp'd from the Neighbourhood of Maestricht, and marched that Day, and the following Night towards the Enemy, who were furprifed in the Morning to find our Forces in fight. and endeavour'd to possess themselves of a considerable Post near Tongeren; but being prevented in that Delign, and unwilling to hazard coming to an Engagement, they were forced to march about to get into their Lines, which they did at Jaes. General Doff, at the same time, perceiving them to be in some Diforder, advanced with 30 Squadrons of Horle and Dragoons directly towards the French Lines by the shortest way, and finding them but slightly guarded, forced them near Wassegue, with little Opposition. He remained in that Post near three Hours, and sent advice of what he had done to Monsieur d' Auverquerque, who thereupon called a Council of War. wherein it was resolved, That seeing the Enemy, with a superior Force, might fall upon Montieur Dopff's Detachment, before the rest of our Army could get up to support him, it was not advisable for him to continue in that Post; which Resolution being fent him, he quitted the Lines, and rejoined the Army:

About a Month after Monsieur d' Auverquerque * 1 July detach'd the Baron de Trogne Brigadier General, with N. S. 2 Battalions; and order'd him to be follow'd by 1 500 Foot, and 200 Dragoons in several Parties, which were all to join him at a Rendezvous assign'd them; as were also two Battalions from Maestricht, one from Huy, and Eight Hundred Men from Liege, the Officers being enjoin'd Secrecy. The Baron's Orders were to be at Hannuye the 4th, to attack the

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French Lines the next day between Meerdock and Wasseigue, and to take post there till the rest of the

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Army could come up to him, which began to march for that purpose the 4th at night. This Enterprize had no better success than the former; for tho' the Baron de Trogne, † entred the French Lines near Mul. t July 7. dorp without any Apposition, yet the Rivers Herk and Demer, being (really, or, at least, pretended to be) overflow'd in fuch a manner, that it was judged impossible for the rest of the Army to come up to support him; it was refolved in a Council of War, to give over that design, and Orders were accordingly fent him to rejoin the Main Army, which after that march'd to St. Tron, and from thence to Marsin near Huy, towards the middle of July, (N.S.) the Baron de Trogne was once more sent with a Detachment towards the French Lines, into which he entred the 1 9th at night near Heildersheim with little Opposition; but upon Advice, that a confiderable Body of the Enemy were drawing that way to fall upon him, Orders were again dispatch'd to him to retreat; whereupon he rejoin'd the Army, which was now Encamp'd at Morfem. From this Camp Monsieur d'Auverquerque sent out two Detachments, the one to bombard Namur, which was done with notable Bombarded Execution from the 26th to the 29th of July; the other to fortify Dinant, and to raise Contributions between the Sambre and the Maefe. The States Army return'd afterwards to St. Tron, consuming all the Forrage to the very Lines of the Enemy; who being still inferior in Strength, kept themselves very quiet within those Works. While the Grand Army of the States was on the Maese, the Dutch Forces in Flanders, Commanded by Baron Spar, bombarded Bruges; and made themselves Masters of the Fort Isabella, bellataken which was very troublesom to the Dutch; whose Ships could not come up to Sluyce, without being exposed to the Fire of that Fort. Nothing of moment passed atterwards in the Netherlands, till the arrival of the Elector of Bavaria at Bruffels, with some broken

Remains of his Defeat at Bleinbeim. That Prince, like a pushing Gamester, had resolv'd to attempt the Recovering of all his Losses, by venturing his latt Stake; of which the Court of France being apprehensive, they sent the Mareschal de Villeroy to the

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French and Spanish Army in Brabant, to watch the A. C. Elector's Motions, and to prevent an Engagement. 1704. This Precaution was very Necessary, for the Elector had certainly defign'd to attack Monsieur d'Auverquerque, in his Camp at Borctoen, the 28th of October (N.S.) He had order'd several Battalions to pass the Maele, as it they were to march towards the Moselle, or beliege Huy; but they were immediately recall'd. and all the Garrisons were commanded to repair the 27th to Tirelemont, where all their Forces join'd, with a great Number of Waggons. The Elector refolv'd The Elector to march the next Day, and the Mareschal of Ville-bindred by roy, who had consented to all these Motions, in Mareschal hopes that the Army of the States would retire un- Villeroy der the Cannon of Maestricht, and that he should not from Atbe oblig'd to thew to the Elector the mortifying Or-tacking ders he was intrusted with, was very much furpriz'd Monsieur d' to fee, that Monsieur d'Auverquerque waited for them Auverin his Camp, without being concern'd at their Supe- querque. This oblig'd him to represent to his Electoral Highness, the Difficulties of Attacking the Enemy; the Advantage of their Camp, the Bravery of their Troops, encourag'd by the Success of their Affairs in Germany, and the ill Consequences the Loss of a Battle would be attended with. These Realons, tho' undeniable, made no Impression on the Elector, who breath'd nothing but Revenge, and therefore infifted to march on. He was so pressing, and us'd fuch reflecting Words, that the Mareschal Villeroy, who is as high Spirited as any Elector, answer'd him, That he would not march, and to end the Dispute, shew'd him the King's Orders. was a Thunderbolt for his Electoral Highness, who immediately quitted the Army, and return'd to Brusfels, where they had, to no purpose, made extraor-Campaign dinary Prayers for the Success of his Expedition, ex. in the Nepos'd the Sacrament, and the miraculous Image of therlands the Blessed S. Gudula. About a Month after, the ends. Enemy went into their Winter-Quarters, whereupon the States Army did the same, and Monsieur d' Au-

The

the Duke of Marlborough arriv'd there from Amster-

verquerque return'd * to the Hague, two Days before * Nov.10.

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A. C. 1704. The Imperialists menk in Italy.

The Troubles of Hungary having obliged the Em! peror to keep an Army on that fide, the Imperial Forces in Italy, were not Reinforc'd as they ought to have been; and Count Leiningen, their Commander, being too weak to refift the Grand Prior of France, after the latter had pass'd the Po, thro' the Connivance of the Troops of the Pope, the Imperialills were forc'd to quit their Posts in the Mantuan. and to retire into the Country of Trent, so that they preferv'd nothing of the many Conquests of Prince Eugene, except Mirandola. 'Tistrue, Count Leiningen return'd, sometime after, into Italy, and posted himself in the Brescian; but the Diversion he gave to the French was not considerable enough to case

the Duke of Savoy, who having receiv'd no Reinforcement fince the Succours brought to him by

Savoy.

Affairs of Count Staremberg, was reduc'd to very great the Puke of Streights by the great Superiority of the Duke de Vendosme. Whilst the latter, both in pursuance of his Master's Orders, and to gratify * a private Resentment, made all possible Efforts for an entire Conquest of his Royal Highnels's Dominions, the Emissaries of France used all imaginable Endeavours to gain that Prince by magnificent Promiles. His Royal Highness, too cunning to be decoy'd into his ruin by those glittering Baits; and too wise to put the Fate of all his Dominions upon the dubious Issue of a Battle, resolv'd to stand upon the Desensive with his little Army, and provided all his Fortresses with good Garrisons, and all Necessaries for a vigorous Defence. The Duke of Savoy being advanc'd towards Villanova, over against Cazal, the Duke of Vendosme resolved to pass the Po, and attack that Prince; for which purpose he went over that River the 5th of May in the Night, and the next Morning drew up his Men in order of Battle. The Duke of

ter, wherein Savoy having Intelligence of the Enemies Motion, Vaubonne and that their Forces were much Superior, it was reis taken Prisoner.

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The Duke of Savoy had formerly made some Reflections on the Duke of Vendolm's Conduct, in a Letter he wrote to the French King ; which, upon his Royal Highness's declaring for the Confederates, was communicated to the Duke de Vendolme.

137 A. C. 1704.

folded to retire to Crescentino, and accordingly the Army broke up the 6th, in the Morning. His Royal Highness brought up the Rear with several Squadrons, and polted a Detachment of Grenadiers at Balzola, to cover the march of the Army, which encamped that Day near Trino. The 7th, they confinued their March, and General Vaubonne, who was in the Rear, at some distance, with 200 Horse, 8 Companies of Grenadiers, his own Regiment of Dragoons, and that of Savoy, discovered several Squadrons of the Enemy, who were advancing towards him, and was informed by a Prisoner that the Enemy had encamped the Night before at Balzola, and were marching with all possible dilligence to fall upon his Rear. Their Van-Guard appeared accordingly, and charged his Rear with so much Vigour, that our Troops gave ground. General Vaubonne rallied them within half a Mile of that Place, but as he was rallying a Squadron, his Horse was shot under him, whereby he was taken Prisoner. The Confederate Troops maintained a fecond Shock with a great deal of Bravery, notwithstanding the inequality of Number, but were obliged to retire as far as Ramassana, where General Starembergh had posted his Grenadiers, who stopt the Enemy. giving time to the Regiment of Prince Eugene of Savoy to rally, they renewed the Fight, and repulsed the Enemy, taking a Lieutenant Colonel, five Captains, two Lieutenants, and 30 Dragoons, Prisoners. The Confederates lost on their side, a Captain of that Regiment, and 60 private Men, besides a Standard. the Dragoon, who carry'd the same, having had his Horse shot under him. Their Troops continued a considerable while near Ramassana, but the French nor thinking fit to renew the attack, the whole Army marched to the Camp of Crescentine. His Royal Highness exposed his Person to the greatest Danger. and by his Presence encourag'd the Troops which made up the Rear, who were somewhat disheartned by the taking of General Vaubonne. Ever fince this Rencounter the Duke of Savoy continued in his Camp near Crescentino, his Right to that Place, and the Left to the Dorie Baltea, having a Canal in his Front, and the Po and Verrue in his Rear. Duke of Vendosme made several Motions to oblige

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his Royal Highness to quit that strong Post, but not succeeding in that Design, he invested Verceil, (or Vercelli) having left strong Detachments in Tring. Dezano, and several other Posts, to hinder the Duke of Savey from relieving that Place. The Trenches were open'd the 15th of June, and the Garrison. which confifted of 6000 Men, commanded by Count Prela, who was affifted by Colonel Dee, an Officer of great Experience, made a very resolute Desence, but were at last oblig'd to beat a Parley the 20th of July. The Duke of Vendofme, who was well in-formed of the Impossibility the Duke of Savoy was, under to relieve that Place, fignify'd to the Governor. That he had no other Terms to grant him, than to furrender Prisoners of War. The Garrison shew'd The Garri- and alled The fubmit to those hard Terms.

for (to the felves, they deserved a more honourable Capitulati-2700 Foot, on; but the Duke of Vendosme being inflexible, and Horse)made Power to defend a Breach, thro' which forty Men Prisers of could march a Breast, they consented to be made War, July Prisoners of War, after they should have march'd out thro' the Breach, with their Arms, and other

Marks of Honour. About a Month after, the Ivrea Be-Duke of Vendosme invested Ivrea; open'd the Trenfieg d. ches before it the 2d of September, and in fixteen Days oblig'd the Garrison to send out to Capitulate. The French General would not grant them any o-

ther Terms, than to be Prisoners of War, on the same Foot with the Garrison of Verceil, which Proposals being rejected with scorn by the Garrison, they quitted the Town the 18th in the Night, and retired into the Fort with the Cannon and Ammunition. Here they held out twelve Days longer, and at * last surrendred themselves Prisoners of War. 1

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Sept. 30. While the Duke of Vendofme was before Ivrea, the Duke of Savoy form'd a delight to retake Verceil, which was very near fucceeding. He was inform'd,

attackVer-That one of the Breaches was not repair'd, and therefore he fent, in the Night, the Prince of Lorrain, with a strong Detachment, to post themselves near the Gates, and follow'd himself in Person with Count Staremberg, and another Detachment. first Detachment came undiscover'd to the very Gates

Queen ANNE's Reign.

Gates, but a Centry having discover'd who they were, fired his Gun, which alarm'd the whole Garrison, who ran to their respective Posts, and so the Troops of his Royal Highness were oblig'd to

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return to Crescentino.

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"Twas not by the Sword alone, that the French The French endeavour'd to divest the Duke of Savoy of his Ter-endeavour ritories; but they used all the Artifices imaginable to corrupt to debauch the Vaudois from their Allegiance to their the Vaunatural Prince, and to persuade them to betake dois. themselves to the Protection of the King of France. who would erect them into a free and independent Protestant Republick. To make this Chimerical Project appear the more plaulible, the French Monarch wrote himself to the Magistrates of Geneva, to defire them, 'To lend two Ministers into the Valley of St. Martin, to administer the Sacraments according to the Rites of the Reformed Churches, who 'should be maintain'd at his own Charges, till the new intended Government were better settled. A Pregnant Instance how Princes play fast and loose with Religion, fince 'twas at the Instigation of this very Monarch, that the Duke of Savoy banish'd his Protefant Subjects about 18 Years ago! However, those of Geneva did not think it convenient to deny the French King's demands, and by that means those of the Valley of St. Martin embraced the French interest. The Vaudois of the Valley of Lucern, were not to be taken with that Bait; but defended themselves and their Prince with Sword in Hand, being supported by some standing Forces, under the Command of the Brave and Experienced Major-General Beleastel. On the other Hand, the Duke of la Feuillade having made The Duke several Motions between Suza and Pignerol, march'd of le Rewith a Detachment of his Troops into the Dutchy uillade of Savoy, to attack the Forces of the Duke of Savoy, makes himin the Valley of Aosta, to cut off thereby all Com- Self Master munication between Germany and Piedmont, by way of the Valley of Swifferland; and either by the Treachery or Co. of Aosta. wardile of a new rais'd Battalion of Swirgers, made himself Master thereof without any Resistance: General Redding who commanded those Troops, surrendring the strong Fort of Bard, wherein he pretended to make a long Refistance, a few Hours after the French had rais'd a Battery against it. The ConA. C.

quest of that Valley enabled the Duke of Vendofme to fend a Reinforcement to the Grand Prior, and at the same time encourag'd him to lay Siege to Verue, which, however, was look'd upon as the boldest Enterprize that General had yet ventured up. on; confidering the Season of the Year, the natural and artificial Strength of the Place, and that the Duke of Savoy, being encamp'd just over against it. on the other side of the Po, had an Opportunity to put fresh Men into that Fortress, as Occasion should require: Not to mention, that in the Condition of the French King's Affair, after the loss of the Battle of Bleinheim, it appear'd very ill Policy in that Mo. narch, to hazard the ruining the Remainder of his best Troops. However, the Duke of Vendosme fondly fecure of Success, pass'd the Po at Trino and Ca. zal; posted himself the 14th of October befor Verue. and the same Day oblig'd some Troops of the Duke of Savoy to quit their Intrenchments on two Hills. within some distance of the Place; and having with great Dilligence cast up several Lines to cover his Camp against the Insult of the Duke of Savoy, open'd

Verne Befug'd.

Exchangeof Prisoners

the Trenches the 22d.

The Emperor, the Queen of England, and the States General, having consented that the French Pri-Milearries, foners taken at Bleinheim should be exchanged, Man for Man, with the Troops of the Duke of Savoy that had been taken by the French, that Prince infifted that his Battalions should be restored to the same Number, as they were when they furrendred Verceil, &cc. that is, that all his Soldiers that had been seduc'd into the Service of France, should be commanded to return to their Colours. This was rejected by the French with great Scorn, and as the Duke of Savoy declared that he could not hearken to any Exchange, without this Preliminary, as caring very little for broken Battalions, when they had taken by Force, or debauched the best Men: The Duke of Vendosme tell into a great Passion, and said, 'That the King, his Master, was used to give Laws to other Princes, and that he would not receive any from Monsieur de Savoy; whereupon the Treaty broke up without any Effect.

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In the mean time the Siege of Verue was carried on A. C. with great Vigour, and the Duke of Vendofme having view'd the Works, the 29th of Odober, resolved to attack the Cover'd way of the Fort Guerbignan; The Stege which was done accordingly the next Day, and after of Verue a very hot Dispute that lasted above three Hours, carried on. and in which abundance of Men were killed on both fides, the French made a Lodgment by Sapping. Six Days t after the Duke of Savoy order'd his Troops t Nov. 6 to abandon the Intrenchments of Guerbignan; but tho', by that means, the Duke of Vendosme became Mafter of that Post without any Opposition, yet every Day he found greater Difficulties in the Siege of Verue, than he had either foreseen or expected; the Duke of Savoy going daily into that Place, giving the necessary Orders for its Defence, and relieving still the Garrison with fresh Men. But what did entirely Vigorous break the Measures of the Enemy, was the vigorous Salley made Salley which the Belieg'd made the 26th of December, by the Garof which Monsieur Vandeer Meer gave the following rison of Ve-Account to the States General.

High and Mighty Lords,

Lils Royal Highness being perfectly well in-Monsieur form'd of the stare of the Enemy's Attack, Vander march'd the greatest part of his Foot over the Po Meer's on the 26th in the Afternoon, and detach'd 1000 Letters to Foot under Count Maximilian de Staremberg, Gene-the State, ral of Battel to his Imperial Majesty, and the Baron dated Tude St. Rhemi a Colonel, in two Bodies, along the rin, Dec. Vallies, to possess themselves of the Heights before 31. N.S. Verue, and by this means to attack the Enemies in their Trenches. The Matter was so well concerted and executed; that they were at one and the same time attack'd in Front, Flank and Rear, and that with fo much success, that after a vigorous relitance, they were oblig'd to abandon their Trenches, and to fly the best way they could. Our Men immediately feiz'd their Batteries, burnt all that was combustible, nail'd up their Cannon that was on the Battery of the Counterfearp, and 4 Mortars; broke all their Carriages, and the Galleries of their Mines, and fill'd the Ditches with them, and as much of the Trenches as was possible to be done by 350 Men; but our Men having not

A. C.

at hand all things necessary for nailing up the Pieces that are upon the remotest Batteries. They fatisfied themselves to endamage them as much as they could, and to make them unferviceable for fome time. Mean while the Alarm being spread 'thro' the Enemy's Army, the Duke of Vendolme made the Piquet advance, which was repuls'd as well as his other Troops. At the same time, when our Foot attack'd the Trenches, his Royal Highness order'd his Hotse from Verolengo to pass the Po about Dora, under the Command of General Fels, who, with 200 men, commanded by Count Breiner. attack'd the Duke of Vendosme's Quarter: His ad. vanc'd Guards were put to flight, and 40 men kill. ed, but our Men were not able to push the Enemy any farther, because of an Intrenchment guarded by 1000 Foot. At the same time our ordinary · Horse Guards attack'd the Quarter of the Spaniardi. that we might give the Enemy a Divertion on all fides: In all which we fucceeded fo well, that after our Troops had executed what was concerted, they retir'd in the Night into Verue, and their first Quarters: We know not yet what the Enemies Loss may be, but we took Prisoner M. de la Chartogne Lieu. · tenant General, who died Yesterday of his Wounds. . 1 Lieutenant Colonel, 2 Majors, 2 Captains of · Grenadiers, and 3 Officers. We know also that . M. d' Imecourt was kill'd in the Action, with one of the Principal Officers of the Artillery. On our c fide, we have loft the Lieutenant Colonel of the Regiment of Lorrain, the Major of the Regiment of Staremberg, a Captain of that of Laun, and 2 · Savoyard Captains, and the Baron de Gorts, and · Hamilton Adjutants General to his Imperial Majesty are wounded. The number of Slain, Wounded and taken on our fide is about 200. This Action · which may be called very Glorious, has cauled extream Joy here, and we believe the Enemy will want 15 Days to repair their Works. They bee gan however to fire afresh on the 29th, from some · small Pieces of their Battery on the Counterscarp. His Royal Highness was in Verue during the whole . Action, to give necessary Orders. M. de Belcastle who was with him, and arrived here Yesterday,

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Queen ANNE's Reign.

will. I suppose, send your High and Mightinesses. A. C an exact Relation of all that passed, I am Sc.

1704-

A Vander Meer.

So many pieces of the Enemies Cannon were made inferviceable in this memorable Sally, that they were obliged to fend for some Artillery from the Milaneze; and their Infantry being almost ruin'd, either by the fire of the Garrison, Desertion and Mortality, the Duke of Vendolme had made but little Progress in the Siege by the 28th of February, N. S. Tho' Monlieur Lapara, a celebrated Engineer in France. had been sent to his Assistance. Monsieur de Chartogue was to be Exchang'd with the Marquis de Vanbonne, but he died foon after the Action of the 26th of December, not withstanding the great Care that was taken of him. His Royal Highness fent him his own Surgeons, and made him a Vifit, which that General received with all possible Marks of Gratitude. and complimented that Prince, on the Glory of that Sally, telling him, 'He had learn'd from his Royal 'Highness, what he never knew before, that Trenches might be attack'd in the Rear. It must not be forgot, that the Duke of Savoy, and Count Guido Staremberg were both in Verue, when the Sally began, and went into the Works of the Enemy to observe how they were directed, and be thereby better enabled to prevent their Defigns.

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The Presence of King Charles III. in Portugal, had Affairs of not the Influence that was generally expected. Af-Portugal. ter several Councils of War held in the presence of their Catholick and Portugueze Majelties, which passed not without some Alterations, between the Duke of Schomberg, and the Portuguese Generals, and Miniflers; the Auxiliary Forces of England and Holland. begun to land the 16th of March, (New Stile.) The D. Schom-Duke of Schomberg had warmly infilted, that these berg infilts Auxiliaries might keep in a Body, and urg'd the In- exeinft for conveniencies that would refult from their Separa-Parating on; but the King of Portugal being unwilling to trust the Auxithe Defence of his Frontier Towns, to his raw and liaries. undisciplin'd Troops; the English Infantry had their Quarters affign'd in Olivenza, Elvas, Portalegre, and

other places in the Province of Alentejo; and the

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A. C. Dutch were fent up the Tajo towards Abrantes. The King of Fortugal, by his Treaties with England and Holland, had engaged to furnish Horses to mount the Cavalry and Dragoons of those two Nations; but and Dutch whilst the King of Spain, Charles, was detained in ill provided Holland and England by contrary Winds, the French for in Por-Ambassador in Portugal, with admirable Industry, tugal. bought up the best Horses of that Kingdom; so that most of the Horses which his Portugueze Majesty's Officers did afterwards provide for the English, and Dutch Auxiliaries, being neither of a size nor strength fit for Service, scarce one third part of the Troopers

ers, which after so tedious a Passage, could not but be in great numbers, and of which abundance died for want of Attendance and Necessaries.

and Dragoons were mounted this Campaign. Neither was there better Provision made for Sick Soldi-

Another ill Omen of the Success of the Campaign Differences on that side, were, the Differences that happen'd bebespeen the tween the Portugueze, and the English and Dutch Ge-Generals. The Duke of Schomberg, by his Title of Cap-

rain General of the Queen of Great Britain's Forces in Portugal, ought certainly to have commanded, at least, all the English and Dutch Auxiliaries; and it had been no unwife Policy in the King of Portugal. to have made his Grace likewife Commander in Chief ot all his Forces: A Post which his Grace's Father formerly held in that Kingdom with fo much Applause and Success, that he wrested the Crown of Portugal from the Spaniards, and fix'd it in the Family that wears at it present. But, tho' few, it any, of the Portugueze Officers had Experience enough to be made Generals, yet the King of Portugal would not break the Establish'd Rule of that Kingdom, whereby the Governors of Provinces command in Chief all the Troops within their Districts. 'Tis true, he made the Duke of Schomberg Velt-Mareschal General of the Portugueze Forces; but then his Conferring the fame Dignity on Monsieur Fagel, General of the Dutch Forces, rather leffen'd than honour'd the Duke, and made M. Fagel unwilling to obey one to whose level the King of Portugal had raised him; to that there was little Concurrence of Councils and Deligns, between those two Generals. To all this we may add, that a French Lady, married to a great Man in Portugal

Queen ANNE's Reigh.

was not a little Instrumental, in retarding the Prepa. A. C. rations for the Campaign.

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Notwithstanding all these Inconveniencies, and perpetual Disgusts, the Duke of Schonberg resolv'd to use all possible Endeavours to carry on the Service in which he was engag'd; and being inform'd, that the Auxiliaries, which the King of France had sent to his Grand Son, the Titular King of Spain, Philip V. consisted, for the most part, of Irish Soldiers, his Grace thought fit to publish the following Proclama-

Pursuant to her Majesty's Warrant, dated the 14th of March, 170%. Authorizing and Em. The Duke of powering me, to publish, in the most effectual man Schonner, Her Majesty's most Gracious Intentions of berg's Property Pardoning all such Her Subjects of the Kingdom of Pardoning all such Her Subjects of the Kingdom of Ireland, and of other Parts of Her Majesty's Dominions, who being now in the Service of Her Enemies, will quit the same, to come over to Charles the Third, King of Spain, or any other of Her Majesty's Allies: I do hereby, in her Majesty's Name, Proclaim and Declare, that all such Her Majesty's Subjects, both Officers and Soldiers, who are at present in the Service of the French King, or of the

'come over to the King of Spain, or any other of Her Majesty's Allies, shall have Her Majesty's 'most Gracious Pardon for all Crimes and Offences 'committed by them, in adhering to, or serving under Her Enemies, or for any Crime and Offence 'relating thereunto, and that such of them as are

Duke of Anjou, and will return to their Duty, and

'Qualified to serve in Her Majesty's Forces, shall be 'receiv'd and entertain'd in the same Quality as they 'enjoy'd in the Service they leave; and that such as 'by Reason of their Religion, cannot serve in Her 'Majesty's Forces, shall be receiv'd and entertain'd

other of Her Majesty's Allies, where they shall best like, in the same Quality, and with the same Pay, as they enjoy'd under Her Majesty's Enemies. And to the end, that her Majesty's most Gracious In-

tentions may be the more effectual, care is taken that the Governors of the Frontier Garrisons, and that the Generals of the Forces will receive and sub-

A. C. 'list them immediately upon their coming in, and give them all further Encouragement. Given at Lisbonne this Five and Twentieth of April, 1704. in the Third Year of Her Majesty's Reign.

Schonberg and Leinster.

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About this time the King of Spain, Charles III, and April 30 the King of Portugal, published their respective Ma-N.S. nifesto's; the first, 'fetting forth his Title to the The Kings 'Crown of Spain, and promising a Pardon to all such of Spain of his Subjects, as would declare for him within and Porthree Months Time; The other, 'to justify his engal pub-Portugueze Majesty's taking up Arms to restore the lift their Manifesto's. Liberty of the Spanish Nation, oppressed by the Power of France, and to Affert the Right of his Catholick Majesty, Charles III. to that Monarchy. Their Majesties had resolved to set out from Lisbon the 8th of May, and reckon'd to be on the Frontiers of the Province of Abeira, and in a readine's to enter into Spain, by the middle of that Month; but their Preparations for taking the Field were so backward, that it was the beginning of June before they reached Santarem, where they continued the rest of the Cam.

The other Titular King of Spain, or the Duke of t Apr. 30. Anjeu, the last in Proclaiming t War against the N. S. King of Portugal, and his Competitor, Charles III. was yet the first in maintaining his Title by his Sword; and Invaded Portugal, before his Enemies were in a condition to enter Spain, or, indeed, to op-

The Duke of pose him. The first of May, the Duke of Anjou set Anjou in out from Placentia, arriv'd at Alcantara the 5th, and wades Pos-the same day went to the Camp near that Place, tugal. where, in a Council of War, he declared his Resolution to Invade Portugal the 7th. Accordingly, the

Army, which consisted of about 15000 Foot, and 7000 Horse and Dragoons, having on that Day past the Tagus near Alcantara, the Duke of Bernick caused the Town of Salvaterra to be Invested by the Count d'Aguilar, the Eldest Lieutenant General, and the next day sent a Summons to the Governor Don Diego de Fonseca, threatning to treat him, and his Garrison, with the utmost severity, if he refused to Surrender.

Thereupon the Governor, who had with him but 4

And takes Jeveral Towns. paign.

by roo new-rais'd Men, sent out 4 Captains to treat; but A. C. the Duke of Bermick instead of debating Articles, made 1704. those 4 Captains Prisoners; advanced immediately with a Detachment to Segura, another little Town, about a League from the other, and threatned to put the Governor and Garrison to the Sword, if he did not give up the Place, as the Governor of Salvaterra had done: For he had the four Captains his Prisoners. whom by Threats and Promises he perswaded to say. that they had open'd their Gates. By this Stratagem. the Garrison of Segura, which consisted only of some Companies of the Militia, surrendred without much Hesitation; and then the Duke of Berwick returning to Salvaterra, so intimidated the Governor, that he deliver'd up the Place without making any Defence. and consented that himself, and his Garrison, should remain Prisoners of War. From Salvaterra the Spaniards advanc'd further into the Country, and without any Relistance, made themselves Masters of Cebreros. Pena Garcia endur'd some Discharges of Cannon, and then Surrendred to Count d'Aguilar. Inhabitants of Zebredo abandon'd it at the approach of the Spanish Troops; and the Town of Ihana la Viella, rejecting the Summons of Don Fofeph Salazar. and the Marquis de Puisegur, was Affaulted, and carried Sword in Hand. About the same time the Marquis of Feoffreville having entred Portugal on the side of Almeida, put several Villages under Military Execution; and Prince TSerclaes de Tilly being advanc'd to Aronches, raised great Contributions thereabouts, whilst the Marquis de Villadaries penetrated into Portugal another Way.

put the Portugueze into great Consternation; and General Fagel, who was posted at Castelbranco, with sour Dutch Battalions, not thinking himself sale there, retired towards Abrantes with two Battalions. The other two he posted at Sourcira Formosa, where they were soon after Attack'd by ten Battalions and several Squadrons, Commanded by the Duke of Berwick, and after a stout resistance, most of them taken Two Dutch Prisoners, with Major General Welderen, and 350 Battalions ther Officers. After this Success, the Duke of Bertaken May wick plundered several Villages and open Towns²⁷.

near Castelbraneo, and having passed the Tagus (or

These uninterrupted Successes of the Spaniards.

A. C. Tajo) advanced towards Portalegre, where he join'd another Body of Spaniards, Commanded by Prince TSerclaes de Tilly; and the Duke of Anjou being arrived in the Army, caus'd that Town to be Invested.

taken at

Tho' that Place was not regularly Fortified, yet it fon of Por- was expected that Don Pedro de Figuertedo, the Governor, having with him three good. Battalions, one of which was the English Regiment of Stanhope, be-Discresson. sides some Militia, making in all near 4000 Men, would have made a long and vigorous Defence. But the Inhabitants, who were very numerous, forc'd the Garrison to Surrender at Discretion; and themselves took an Oath of Fidelity to the Duke of Anjou, who from thence brought his Army before Casteldavide, which, tho' almost an open Town, yet retuled to open the Gates; the Garrison being encouraged to defend themselves by the Resolution of the English Regiment of Lieutenant General Stewart, Commanded by Lieutenant Colonel Huffey.

> By this time the two Kings were come to Santarem, enraged at the loss of so many Places, which they were not in a condition to prevent, and irrefolute what to do, to stop the further Progress of the Enemy. As. ter many Councils of War, it was resolved, that the Marquis das Minas, Governor, and General of Arms of

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The Marquis das Minas's

the Province of Beira, should make an Irruption into Spain, and by that Diversion, endeavour to draw the D. of Anjou's Forces from before Casteldavide. Pursuant to his Orders, the Marquis having drawn together the Forces of his Government, and being reinforc'd Expedition by those of the Traos, Montes and Minho, making 1 5000 effective Men, decamped the 2d of June from Almeida to march towards the Tajo, and in his way took by Storm a Spanish Place in Castile, call'd Fuente Grinaldo, where he found a good Booty, belides a great quantity of Ammunition and Provisions; and then continued his march to attack Monsanto, wherein the French had 120 Men, who had not time to re-He came before the place the 9th, but having received advice, that Don Ronquillo, who had received a Reinforcement of French Troops from the Army of the Duke of Anjou, was advancing to relieve the Place, he decamp'd the 11th in the morning with his Horse, and gave orders to the Foot to follow with all possible expedition, intending to attack r-

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attack the Enemy, which he did the same day in the A. C. Evening. The Enemy, who were superior in Cavalry, 1704. attacked the Portugueze with a great deal of fury, and the left Wing gave ground, but two Battalions, who weredrawn up in a convenient place, made fuch a difcharge upon the French and Spaniards, that they were oblig'd to retire, and the Portugueze Cavalry charg'd them fo briskly, that they run away in great disorder, leaving 200 Men kill'd or taken Prisoners, and among them 50 Officers. They retir'd towards the Mountains, and the night coming on hindred the Purfuit of the Portugueze; but the Country People taking Arms, purfued them the next day thro' those Mountains and Defiles, killing a great number of them, without giving any quarter, and took 1800 Horses.

This Success was attended with the Surrender of Monsanto; but the' the Duke of Anjou had sent the Duke of Berwick with a strong Detachment to observe the Portugueze; and it was from thence concluded, that he would give over the Artack of Casteldavide, yet the Duke of Berwick finding that the Portugueze did not move forwards, return'd soon after before that Place. Colonel Huffey proposed to the Portugueze to retire into the Castle, and defend the fame to the last extremity. This met with some difficulties on the part of the Governour, and at last they beat a Parley the 25th. and proposed some Ar- Castledaticles, upon which they offered to furrender. The vide taken Duke of Berwick rejected them, and during the Cel-by the fation of Arms, he fent an Officer to one of the Gates, Spanithreatning the Inhabitants to burn and plunder the ards, June Town, and even to put them to the Sword, if they 25. suffer'd the English to retire into the Castle. Menaces made fo much impression upon them, that when Colonel Huffey endeavoured to retire into the Fort, he was prevented by the Militia, who opened the Gates to the Spaniards, and so all the Garrison were made Prisoners of War. The Weather being by this Time exceedingly hot in those Parts, the Duke of Anjou fent his wearied Troops into Quarters The Duke of of Refreshment, and return'd himself to Madrid. Anjou re-And, because he thought it impossible to preserve turns to all his Conquests, he order'd his Men to abandon Madrid. them, except Marvan and Salvaterra, and to raze the Walls of Portalegre, Castledavide, and some o-

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ther Towns. About the same time the English Forces marched from Alentejo into the Province of Beira; and the Portugueze and Dutch into Quarters of Re-

freshment about Pena Major.

The frequent ill News which came from Portugal to England gave no small Uneafinessto her Majesty; and the D. of Schonberg, who bore with great impatience, that his Counsels were little, if at all, regarded, having before infinuated a defire of being recall'd, the Court judged the E, of Galmay to be the fittest Person to supply his Place. That Wife and Valiant Lord, who after the loss of all his Publick Employments, was retired to a small Country Seat at Rookly near Winchester. where he thought to have passed the Remainder of a Laborious Life, between his Closet and his Garden, was t letch'd in one of the Queen's Coaches, from that agreeable Rerreat, to attend her Majesty at Windson, where he was no fooner arriv'd, than a Noble Person of High Trust with the Queen, and one who had a great Esteem and Friendship for the Earl, imparted to him the Honour her Majesty intended him. The Earl exprest his deep Sense of her Majesty's Grace and Favour; but endeavour'd to excuse himself from Accepting a Command, which, he faid, was already in much better Hands; Alledging withal, That the Infirmities which are inseparable from an Advanced Age, especially in a Person, who like himself, had spent so considerable a part of his Life in Warlike Toils, rendred him unfit for an Employment that requires a great deal of Activity. The other Lord over ruled all this by telling the Earl, 'That, tho' "Her Majesty had no Cause to find Fault with the Duke of Schomberg's Conduct, yet, by reason of the Differences that had fallen out between him, and the other Generals, it was to be presum'd, his Removal would not be unacceptable to the King of · Portugal, whose Alliance was, at this juncture, to be tenderly managed. That, as to the Infirmities of Body, which the Earl alledg'd, they could not be a fufficient Excule, since his Mind was still in its full Vigour; and that his Skill and Address in reconciling · jarring Hume us and Interests, would do the Como mon Caufe more Good, than the Activity of a · Brisker, if less tractable Man. When the Earl

faw his Excuse would not be accepted, he then

offer'd

June 23.

offered to ferve under the Duke of Schomberg: But A. C. this Modest Proposal being also kindly rejected, he was * appointed General and Commander in chief of Her Majesty's Forces in Portugal. The Earl ha- The Earl f ving represented to the Council, the necessity of Galway Augmenting and Recruiting Her Majesty's Forces, named to and of making some Additions to the Train of Artil-Command lery in that Kingdom, all his Demands were readily the English complied with; and thereupon Orders were given Forces in for a Reinforcement of 4000 Men to be sent into Portugal. Portugal, both from England and Ireland; the Dutch June 25. having, at the same time, agreed to fend thither a proportionable number of Forces. The Earl of Galway having taken † his Leave of her Majesty, embark'd + July 19. at Portsmouth, on Board the Tartar Man of War, O. S. with leveral French Ingineers and Volunteers, and in eight Days arrived * fafely in the River of Lisbon, July 30 where the Duke of Schomberg, who about that time came there also from Estremos, refign'd to him the Command of the English Forces. This change was not a little pleasing to the King of Portugal, who thereupon writ a Letter to Her Majesty of Great Britain, Afturing her Majesty of his firm Resolution to observe the Treaty of Alliance, concluded with her Majesty, and her Allies, whatever Vicissitudes 'might happen. When Don Ludovico de Cunha, Envoy Extraordinary to the Queen from the King of Portugal, deliver'd * this Letter, he, ar the fame time, * Aug. 20 acquainted Her Majesty, 'That, he had express Or. O. S. ders from his Master, to give Her Majesty all possible Affurances, that his Master would with all Vigour, pursue the Intentions of that Alliance, till the lame were Accomplished.

About a Month after the Earl of Galway having review'd the Portugueze and Auxiliary Forces, they passed the little River Coa, and encamp'd near Almeida. On the 20th of September, the Kings of Spain and Portugal came to the Army, with delign to Invade Cafeille; but when they came to the River Agueda, which they intended to pass near Ciudad Rodrigo, they found the opposite Bank so well guarded by the Spaniards, Commanded by the Duke of Berwick, that they thought fit not to hazard the loss of their whole Army; and so retiring † further into the Ter + Oct. 9. ritories of Portugal, they sent their Troops into Win N S. ter N. S.,

A. C. ter Quarters. On the other hand the Spaniards were for 1704, weakned by the Detachments fent, under the com. mand of the Marquis de Villadarias, to endeavour the retaking of Gibraltar, that they were contented to defend their own Country, and had no thoughts of invading Portugal: So that all things were quiet on those Frontiers, all the remaining Part of this Year.

The Sirge

The Confederate Garrison in Gibraltar being a of Gibral-dangerous Thorn in the fide of the Spaniards, and a standing Proof of the Advantages gain'd by the Al. lies in the Mediterranean this Summer, the Courts of Versailles and Madrid resolv'd to use all possible means to wrest that Place out of their Hands. In with 4000 Soldiers from on Board the French Men of War and Gallies, did formally besiege Gibraltar the same Day. Upon advice of this Siege, Vice-Leake, and Admiral Leake, and Rear-Admiral Vander Duffen,

Rear Admiral Vander-Duffen. fail to relieve it.

order to that, the Marq: de Villadarias being reinforc'd the 22d of October, N. S. and open'd the Trenches held a Council of War, wherein confidering that the Preservation of Gibraltar was of the highest Importance for the common Cause in general; and that England and Holland were chiefly concern'd in preserving that Conquest, for maintaining the Honour of their Arms, left the French should have a specious Pretence to confirm the ridiculous Report they had spread every where of their Imaginary Victory over the Confederate Fleet, refolv'd, that the Squadron under their Command should forthwith Sail to relieve Gibraltar; which they did accordingly the 5th of November, with a Squadron of 10 English Men of War, which Sir George Rooke fent thither after the Engagement, 3 other English, which came Convey to the Battalions of Guards, and Six Dutch Ships of good Force, which were detach'd before the Engagement from Plimouth, to Convoy the Dutch Reinforcements into the River of Lisbon, and arriv'd very feafonably, to affift in this important Expedition. About a fortnight after Rear-Admiral Vander Duffen fent to Lisbon the following Account, both of their Voyage, and of the Progress the Enemy had made in the Siege.

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HE Confederate Fleet fail'd from the River of Lisbon the 5th of November, with fo favourable sa Wind, that on the 9th in the Evening we came to Admiral an Anchor in the Bay of Gibraltar, where we found Vander-2 French Frigat of 42 Guns, one of 24, one of 14, Duffen's 1 a Fireship of 16, a Ship laden with Bombs and Letter. Granadoes, 2 English Prizes, and a Tartane, which upon our arrival the Enemy drew close to the Shoar, and fet on fire. The English took in our way hither a French Frigot, but I do not know how many Guns the carries. The Befieg'd express'd an extraordinary Joy upon our arrival, for belides the affiftance they expected from us, they have now nothing to fear from the Sea-fide, and mind only to defend themselves on the fide of the Land. The Beliegers continu'd furiously to batter the Place. and to work on new Batteries, and on the 11th in the Night 7 or 600 of them found means to climb up the Rocks, and by the help of Rope-Ladders, 'and other things, got upon the Mountain, thro' a way which was thought impracticable. They were to be supported by 2000 Men, but the former being discover'd in time, the Prince of Hesse 'march'd against them with 500 Men, and charg'd them with fo much Vigour, that above 200 were 'kill'd on the spot, and 190, with a Colonel, a Lieutenant-Colonel, a Major, 30 Captains, Lieutenants and Enligns were taken Prisoners, and the rest who endeavour'd to make their Retreat by the same way they came, fell down the Rocks, so that 'tis believ'd few, if any, return'd to their Camp. The 13th Admiral Leake, and Rear-Admiral Vander-Duffen having receiv'd Letters from the Prince of Hesse Darmstat, whereby his Highness desired all the Affistance they could give him, they held a Council of War, where it was refolv'd to land as many Men as they could spare, for defending the outwards Posts on the Sea-side to the Nostra Segnora de Europa, and to fend likewise some Men into the Town to be employ'd on the Batteries, and other necessary services, which was done the 14th. The Enemy continued their Approaches, and batter'd the place with a great deal of Fury, and on the 18th begun to fire from a new Battery of 14 Pieces of heavy

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heavy Cannon, so that they have now 30 on their feveral Batteries, belides Mortars, whereby they have ruin'd a great part of the Walls and Bastion, and difmounted feveral pieces of Cannon of the Befieg'd. This has oblig'd the Prince of Heffe to defire a further Reinforcement from our Squadron. and the Admirals have landed 300 Seamen, viz. 200 English and 100 Durch, who are daily employ'd in demolishing tome Houses, and carry the Stones over against a Courtine, which comes from the "Cover'd Way to the Gate, which the Engineers defign to make as ftrong as possible, and plant leveral pieces of Cannon thereon. They hope this Work will be ready in 8 days, and mean time they undermine the old Baftion and Courtine, fo that if the Enemy form and policis it, they will be in danger of being blown up, and then they will have this new Work to attack. Those who have feen the Breach affure me, that the Enemy " must spend some days before they can be ready for the Storm, fo that we hope the Succours from Portugal, which the Prince of Heffe has so earnestly de-' fir'd in his Letter of the 16th Instant, fent by a Ship to Lagos, will arrive time enough to preserve this important Place. If the Enemy make any attempt before, the Besieg'd may depend upon all possible Affiftance from the Men of War; and fuch meafures are taken, that we may on a fudden mann our Boats, and confiderably annoy the Enemy in cafe of an Attack. The Garrison does not want Provision or Ammunition, but Men, Bombardeers, Gunners, Carpenters, &c. They have lost several brave Officers, and among them the Sieur Nugent Conde de Val de Soto, Deputy Governor, and the English Brigadeer Fox. Our arrival was very seasonable, for

From on Board the Ship Veluwe, in the

Bay of Gibraltar, November 21.1704.

The King of Portugal, and the Foreign Ministers and Generals, having, at the same time, received other Letters from the Prince of Hesse Darmstad, and

that very night the Enemy had design'd to attack the Town in several Places, and had got a great many Boats to attack it on the side of the new Mole, by which the Confederate Fleet attack'd it last Summer.

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Sir John Leake, which made them conclude, 'that the Place could not hold out without being reliev'd; a Council of War was held immediately after the arrival of these Letters, wherein it was unanimously refolv'd, that the Preservation of Gibraltar being of the highest importance, all possible means were to be used to oblige the Enemy to raise that Siege; and that in order thereunto the Battalion of English Guards lately arriv'd from England, the English Regiment of Barrimore, the Dutch Battalion of Waes, likewise newly arriv'd from Holland, and a Portugueze Regiment from Algarva, the best of that Country, should be immediately embark'd for Gi-braltar. This Resolution being taken, orders were given to get Transport-ships ready, which was done with extraordinary expedition; and in the mean time the Earl of Gallway having advice, that the Garrifon wanted able Officers, several having been kill'd during the Siege, his Excellency fent before Coll. Lundy, Lieutenant Coll. Rieutore, and Lieutenant 'Coll. Darcourt, to serve in that Siege, and acquaint the Prince of Heffe with the Succours delign'd for him. On the other hand, the Spaniards and French continued in the Siege with the utmost Obstinacy, norwithstanding the Rigour of the Winter Season, and the vigorous defence of the Garrison. But tho' they had made wide Breaches in several Places, yet they never durst affault any of the Works; which gave time to the brave, active and vigilant Prince of Heffe Darmstad to cast up several Intrenchments behind those Breaches, and to make Mines under the Counterfcarp. The 30th of November, Vice Admiral Leake, and Rear-Admiral Vander Duffen, having received advice of the Preparations of the Enemy at Cadiz, held a Council of War, wherein it was proposed, whether the Confederate Fleet should remove from the place where they Anchored, to the other fide the Bay, over against the Town. There were strong reasons for continuing in the same station, not only because the Fleet lay very conveniently for affifting the Garrison in case of an Attack, but also because they were covered from the East-Wind, which is very stormy in these Parts, but it being alledg'd, on the other side, that if the French came out, they might, by favour of a Westerly Wind,

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fend in their Fireships upon the Confederate Fleet, and have the Weather-Gage in attacking of them: it was refolved to remove to the other fide the Bay, to avoid the Enemy's Fireships, and have the Wind of them in case they attempted to come into the Bay. The motion of the Confederate Fleet caused a great confusion in the Camp of the Enemy, who fearing they were about to Land some Men, sent their Ca-valry to the Sea-shoar to oppose it. This gave an Opportunity to the Frigats to falute them with feyeral Broadfides, which kill'd a great many Men. Admiral Leake having wifely observ'd this confusion, fent the 1st of December N. S. several Long Boats to. wards the Shoar; whereupon the Spanish Cavalry drew up again the fame way, and were confiderably annoy'd by the Seamen, and the Cannon of the near. est Frigats. The Centurion came in the 3d from Cruizing, and brought in with her a French Prize of 28 Guns, richly laden with Sugar and Indico from Martinico. The Captain reported, that he went in as far as he could into the Bay of Cadiz, and observed that the Enemy were fitting out their Men of War with all possible expedition, and that is Ships had already their Masts and Yards up.

Not many days after, the Three before mention'd Officers, dispatch'd by the Earl of Gall. † Dec. 24. way † arrived at Gibraltar, having narrowly mis'd being taken by a French Privateer, who pursued them to the Mouth of that Bay; and as They declar'd at their landing that the Succours might be expected in two or three days, they were receiv'd with great Huzza's, which caus'd fome commotions in the Camp of the Enemy. They immediately deliver'd Letters from the King of Portugal, my Lord Ambassador Methuen, and my Lord Gallway, to the Prince of Heffe Darmstad; who caus'd the same to be read publickly before the Officers and Soldiers, which prov'd fuch an Encouragement, that many, who were almost disheartned by their great Fatigues, recover'd, in some measure, their strength, and did the service as before. A Signal was made for the Squadron under Sir John Leake, who having receiv'd advice, that Monsieur de Points was coming out of Cadiz, had thought fit to leave

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the Bay, and stand to the Eastward in light of Gi- A. C. braltar, that he might be enabl'd to take fuch meafures as should be thought necessary. A Felucca was also dispatch'd to the Admiral, with Letters from my Lord Ambassador Methuen, importing, that the Succours being ready to fail from the River of Lisbone, it was necessary he should come back towards Lagos to teceive them. The Admiral having receiv'd that advice, made all possible Efforts to repais the Streights; but a strong Westerly Wind prevented it. Mean time, the Prince of Heffe re-Extraordidoubled his diligence for preventing the designs of nary Ditt-the Enemy, and spent all the Days in the Works, gence, Aliand most part of the Nights in the Cover'd Way : vity and This example had so good an effect, that the Garri-Vigilance of fon did more than could be humanely expected, and the Prince the English Marines gain'd an immortal honour. of Hesse The Enemy continued to fire briskly on them from Darmstad. their great Battery, which dismounted above forty Pieces of the Garrison's Cannon, ruin'd the Parapet of the Courtine, and the face of the Bastion of the Sea, and that of the Bastion of the Mountain. They made a Breach in the former, and likewise in the Courtine, which they might have mounted by favour of the Stones and other Rubbish beat down by their Cannon, had not the Garrison been very careful to carry off the same. These Materials were very useful to make a Work in the Ditch for the better defence of the Foot of the Breach, which was yet about 8 foot high, of a very good folid Work, which the Cannon of the Enemy could not reach. The Besieg'd had besides a double row of strong Pallisadoes, in the middle of the Ditch, parallel to the Courtine, and before the same, had made a fort of a Ditch, which was fill'd by the Tide, and wherein they kept the Water. All these Works could not be batter'd by the Cannon of the Enemy, till they had lodg'd themselves on the Cover'd Way, but there was a great Mine ready, confifting of 4 large Chambers, which extended to the Right and Left of the Glacis, and were divided into several Branches which came from the Grand Gallery leading to the Ditch: Which Mine could not have fail'd of having done great Execution, had the Enemy attempted to lodge themselves on the Cover'd Way.

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But because they seem'd to have alter'd their delign, and threatned to attack a long Line which the Be. fieg'd had on the Declivity of the Rock, on their Right, the Prince of Heffe caus'd four small Intrench. ments to be made at the end of it, with three Bat. teries of two pieces of Cannon each, which flank'd the Avenues of the Glacis, and over-look'd the ad. vanc'd Works of the Enemy.

Gibraltar

On the 18th of December (N.S.) when the Garri. reliev'd a fon despair'd almost of any Assistance, the Antelope second time, with 9 Transport Ships came into the Bay of Gibral. tar, and were followed by the Newcastle, with seven Transportsmore the 20th, having the so long expected Succours on Board; except some few Companies: They fall'd from Lisbon the 10th of that Month, to the Number of 20 Transport Ships, under Convoy of four English Frigats, viz. the Antelope, Newcastle,

Greenwich and Roebuck, and thought themselves safe Dec. 17. when they discover'd * off of Cape Spartel 22 Men of War with English and Dutch Colours, which they judg'd to be Vice Admiral Leake, and Rear Admiral Vander Duffen, whom they expected to meet there-

abouts. Upon this Supposition they kept their Course in order to join them, but by good Fortune they were becalm'd. They put their Boats to Sea on both fides to towe the Ships; but the English observing that the Men of War stretch'd themselves, and endeavour'd to make a half Moon to furround them, they made a private Signal, which Sir John Leake would have understood. This spoil'd the measures of the French, who were thereby discovered, and put up their Colours, and endeavour'd to fall upon the Transports; but they got off by means of their Oars, and the Night coming on, they got away by favour of a small Breeze from the South West. Of the four Transport Ships that were missing, one only was taken by the Enemy, and carried into Cadiz; and the other three return'd to Lisbon, as did also the Greenwich and Roebuck. Notwithstanding this un-

happy Accident, the belieged receiv'd a Reinforcement of 1970 Men; amongst whom was the Bat-

talion of English Guards lately sent into Portugal. A Plot dif. These Succours came very seasonably; for some Secover'd in ditious Persons were about this time set at work, by Gibraltar, the Marquis de Villidarias, to discourage the Gar-

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rion; and a mutinous Petition was already framing A. C. to have press'd the Prince of Heffe to furrender; 1704. which being timely discovered, his Highness order'd a Spanish Colonel, and a Walloon, with an English Major, and fome other Conspirators, to be secured. together with a Priest, who carried on their Correfoondence with the Spanish Camp. Moreover, to let the Enemy know how little they were to depend on the Treachery of the Garrison, his Highness made 1 a vigorous Sally two Days after the arrival of the + Dec. 23. last Transports; levell'd the Enemies Lines which The Prince were within 160 Paces of the Pallisadoes, and burnt of Hesse their Fascines and Gabions, with inconsiderable loss. mates a This successful Sally, together with the Discovery vigorous of the late Conspiracy, did entirely break the Meafures of the Enemy, who attempted nothing confiderable till the 22d of January, (O.S.) when having receiv'd a Reinforcement of about 2000 French Forces, they made an attack with 50 Grenadiers upon the Rondella, or Round-Tower, with intent, as was judg'd by the smallness of their Number, to try The French only how practicable it was to mount the Breach, in and Spaniorder to the Attack which they made afterwards on ards make the 27th. They got up with Hooks in one Hand, a brisk Atand their Swords in the other; but two of their Of-Gibraltar, ficers and some Soldiers being killed, the rest re-but are vitreated to their nearest Trenches. In the Afternoon goroust reit began to rain very hard, and continued to do fo pulsed. Jan. all that Night, and the Day following, which filled 27. O S. the Enemy's Trenches with Water. The 24th a Veffel arriv'd at Gibraltar from Barcelona, with divers Miquelets and Catalans on board, who came to enter themselves into his Catholick Majesty's Service. The 27th by break of Day the Enemy made an attack with 5 or 600 Grenadiers, French and Walloons, all chosen Men. They were to be supported by 1000 Spaniards; and the attack was commanded by Lieutenant General Tuy, who came with the Enemy's last Reinforcement. Three hundred were to ftorm the Breach above the Round Tower; and the Remainder the Tower it felf. There is a work that covers all the Breach made by Captain Bennet; and a Piece of the old Wall is yet standing, which joins to the Rock above the Breach: Both these Posts were guarded at Night by a Captain, 3

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A. G. 1704.

Subalterns, and go Men; but at break of Day (as is usual in Garrisons where the Duty is hard) the Cap. tain with 60 Men drew off the Hill, and fraid in the Round Tower all Day, to relieve the Officer and Soldiers that remain'd above at the Breach. The Round Tower was guarded by 180 Men, command. ed by a Lieutenant-Colonel, and other Officers: The Enemy having, by some Deserters, got Intelligence of this Disposition, mounted the Hill with great Silence, and lay concealed in the Cliffs, and hollow Ground, till such time as the Captain with his Party was drawn off; then they got at the Point of the Wall, and throwing Grenadoes down on the Lieutenant and his Party, obliged them to quit their Post. At the same time 200 Grenadiers stormed the Round Tower, where Colonel Borr made a very good Defence, though the Enemy got above the Breach, and threw great Stones and Grenadoes upon his Men: But those who had got in at the Wall marching down to cut off his Retreat into the Town, obliged him, and his Men, to get over the Parapet of the Line, and to retire into the Cover'd-way, where the English Guards were posted. The Enemy gained two Conpures, and were to have lodg'd themselves between the Round Tower, and the next Coupure to it, but pulht forwards towards the Gate that leads into the Line of Communication to the Tower. The Alarm being by this time got through the whole Garrison, all the Othicers and Soldiers ran to their respective Posts. Captain Fisher of the Marines charged the foremost of the Enemy with seventeen Men; but his small Party was soon routed, and himself taken Prisoner. Colonel Moncall, Major of my Lord Barrymore's Regiment, with some other Officers, having soon after got together a Body of 4 or 500 Men, marched into the Line that goes into the Round Tower, and charged the Enemy so vigoroully with Sword in Hand, that he drove them from place to place quite out of the Round Tower, and re-took that Post after it had been an hour in their Hands; and Captain Fisher was re-taken. Colonel Rivett of the Guards, having got up the Rock on the Right of the Covered-way with 20 Grenadiers, favour'd very much Colonel Moncall's Success. The whole Garrison being by this time got together, made so furious

furious a Fire, that the Enemy was at last obliged to A. C. retire in great Consusion. A Captain of Grenadeers, 1704.

4 Lieutenants, and 40 of their Men, were taken Prisoners, and about 70 were killed on the Spot, above half of them Officers; and above 200 were wounded. The Enemy acknowledged that they suffered most in Officers; and that it fell very heavy upon those 18 Companies of Grenadeers that lately came from Galicia. They beat a Parley about Noon, and desired leave to carry away their Dead; which was granted. The Consederates had in this Action about 27 Men killed, and 120 wounded; and Captain Fisher was a second time taken Prisoner.

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This Repulle occasion'd great Divisions among Divisions the Beliegers: The French laying the blame of it on among the the General, who had not given Orders to support Frenchand them; and the Spaniards charging the French them. Spaniards. selves, who, thro' want of Courage, had quitted their These Animolities encreas'd considerably the Day after, by the arrival of the Mareschal de Thesse in the Camp; for his Country-men being affured. that he would countenance them, began to be very Insolent. The Marquis de Valladarias had doubtless receiv'd Intelligence from Madrid, that that General was made Generalishimo of all the French and Spanish Forces: but the Mareschal de Thesse having not given him any notice of his Dignity, the disgusted Spaniard affected to know nothing of it, that he might have an opportunity to do Justice to himself, and put an Affront upon his Rival. He told his Officers. that Monfieur le Mareschal was coming to see the Army incognito, and went with them to meet him; but did not command the Troops to draw up in Battalia to receive him as their General. Mareschal de Thesse appear'd displeas'd at it, and shew'd Valladarias his Commission, to take upon himself the command of the Army, which the other immediately relign'd, and quitted the Camp with the Duke of Osfuna, the Conde d' Auguilar, and several other Spanish Gentlemen, who had accompanied him as Volunteers; and fent an Account of his Proceedings to the King of France, desiring him to take Cognizance of this Affair, and to do him Justice. That Monarch was very unThe next Day after the Beliegers had been so vi-

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A. C. easy upon Reading the Marquis de Villadarias's Letter, and sent the following Answer to that General, 'Cousin, I send an Officer to Spain to remove your The French' Diffigulties, but I have left the Decision of this King's Let.' Affair to the King, my Grandson. I don't question ter to the 'but he will do Justice to your Merit, and have just Marquis de' Regard to your Services to Spain. In the mean Villadatime the Mareschal de Thesse continued the Siege of rias, dated Gibraltar, tho' with no greater probability of Success

March 14-than Villadarias had before.

goroully beaten off, the Prince of Heffe Darmstad being upon the new Battery with several Officers, Colonel Moncal, a French Refugee, who was with his Highnels, and, who by his Courage and Conduct had fo much contributed to the regaining the Posts of which the Enemy had postess'd themselves. had the misfortune to lose a Leg by a Cannon Shot, which kill'd a Spanish Officer, and wounded five other Perfons. The 29th of January (O. S.) the Tartar Pink, and the Newport came into the Bay of Gibraltar with Supplies from Lisbon; as did a Week t after the Leopard and Roebuck, having on Board 6 Companies of the Dutch Battalions, which were wanting, and about 200 English Soldiers belonging to the Guards, and other English Troops, with feveral Necessaries for the Garrison. The 7th of February, the Tyger, with a Transport Ship, arrived there also from Lisbon, having on Board another supply of Men and Ammunition; and the next Day a Captain came from the Enemy, with a Flag of Truce, to agree upon the Exchange of Prisoners. Some Days before the Prince of Helle caused Colonel Gonzalez, a Spaniard, to be shot to Death, for Corresponding with the Enemy; and one Hopper, and one Brown, the first a Lawyer, the other a Merchant, to be put out of the Town with Halters about their Necks, for being Accomplices in the same Crime. On the 15th of February, O. S. 14 Men of War, and 2 Fireships, had cast Anchor before Gibraltar; advice whereof being 2 days after brought to Lisbon, immediate Orders were given for the fitting out of the Fleet,

and for the Portugueze Regiment of Algarve, confisting of 1000 Men, the English Regiment of Monijo,

† Feb. 5. O. S. Queen ANN E's Reign.

and a Datch Batallion, to go on Board that Fleet, A C. which being Reinforc'd by the Squadron under the 1704. Command of Sir Thomas Dilks, fail'd out of the River of Lisbon the 17th of Mach (N. S.) confifting Just Praise of 23 English, 4 Dutch, and 8 Portugueze Men of of the Pr. War, Commanded by Sir John Leake. Whatever of Heffe. may be the Issue of the Siege of Gibraltar, I shall close the Account of what is already come to our Knowledge concerning it, by doing Justice to the Brave, Experienc'd, Skillful and Vigilant Prince of Heffe Darmstadt, who was the Soul of that Garrison. and who scarce ever allow'd himself Two Hours of continued Rest, either by Day or Night; Discharging at once the different Parts of General, Soldier, Engineer, Gunner, Carpenter and Pioneer, which was a mighty Encouragement to the Officers and Soldiers to do their respective Duties, and giving them a constant Example of Sobriety, Temperance, and Patience, which could not but encline 'em to bear And of Cowithout murmuring the Wants, Hardships and Fa-lonel Boor, tigues which are inteparable from a long Siege. Nei- English ther mast we pass over in Silence the extraordinary officers and Zeal of Colonel Borr, who, on all occasions, shew'd soldiers. himself ready to ease the Prince as much as possible. and to execute his Orders with the utmost Activity. and diftinguish'd Courage: To reward which, her Majefty bestow'd on him the Regiment vacant by the Death of Colonel Fox, of which Mr. Borr was before but Lieutenant Colonel. The Bravery and Vigour of all the other English Officers, Voluntiers and Soldiers, deserve also to be particularly remembred.

Having taken a Prospect of the Affairs Abroad. to far as they have any Relation to the Grand Alliance, let us now return into England, where we shall and, that whilst all the Corporations throughout the Kingdom presented their dutiful Congratulatory Addresses to the Queen, the Commissioners of the Scotch Parliament attended her Majesty with an Address of another nature, and which was as follows. Address of

May it please your Majesty,

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WE your Majesty's Dutiful and Loyal Subjects, the Queen the Noblemen, Barons and Burgesses affem-at Windbled in Parliament, humbly represent to your Ma-for, Sept. jelty the 34th.

the Scotch Parliament

The ANNALS of

A. C. 1704. jesty our great Disappointment in not having the Original Papers, concerning what was called in England by the House of Peers, the Scotch Confpiracy, laid before us, and the Persons who were Ex amin'd in that matter fent hither, for which there was Application made in the beginning of this Seffions.

We therefore humbly lay before your Majesty the concern of the whole Nation in this Affair, in which the Intermedling of the House of Lords having been declared in a Relolve in this Selfions to be an Increachment on the Independency of this Nation, and your Majesty's Prerogative, as Queen of Scotland, that you will, in your Majesty's great Wifdom, take fuch Measures as may effectually prevent

all fuch Medling for the future.

We do also take leave to offer to your Majesty our Opinion, that nothing can obltruct more our coming into the Measures that have been Recommended by your Majetty, in Relation to the Succesfion, than the House of Lords Proceedings, to make any more Encroachments of that nature. And we do humbly Intreat your Majesty, that all the Perfons and Papers relating to that Affair, that have been Examined in England, may be sent hither at the 'Meeting of the next Seffions of Parliament, that the Matter may be Examined to the bottom, and those that are unjustly Accus'd, may have Right done them, and those who are Guilty, be punish'd according to their Demerits. On the 29th of September the Common-Hall of

the City of London proceeded to the Election of a Lord Mayor, and having returned Sir Thomas Cook, and Sir Owen Buckingham, to the Court of Aldermen, they unanimoully made choice of Sir Thomas Cook: ing Elected But the latter, five days after, desiring to be excused, as being, thro' his Indisposition, disabled from hold-Lord Mayor ing the faid Office, the Common Council confented That Office, thereto, and did accordingly discharge him from which 116e that Election. Two days * after, the Commonflowed on Hall met, in order to proceed to a new Choice, and sir Owen returned Sir Owen Buckingham, and Sir Thomas Raw-Buckin linfon, to the Court of Lord Mayor and Aldermen, who Elected Sir Owen Buckingham to be Lord Mayor

Da. 6th for the Year Ensuing.

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On the 9th of the same Month Sir Cloudesty Shovel, A. C. and several of his Captains, went to Windson to wait 1704. upon her Majesty and his Royal Highness, by whom they were graciously received; and her Majesty was Several pleased to confer the Honour of Knighthood upon Sea Com-Captain John Jennings, Commander of her Majesty's manders Ship the St. George, for his Signal Service in the late Knighted. Sea Fight in the Medicerranean. The Queen did not long after confer the same Honour on George Bing, Esq; Rear Admiral of the Red Squadron, and on Thomas Ditks, Esq; Rear Admiral of the White Squadron of her Majesty's Fleet.

On the 24th of October the Parliament met at The Parliament Message according to their last Prorogation; and ment meets the Queen being come to the House of Peers, and Octo. 24. the House of Commons sent for to attend Her there, her Majesty made the following Speech to

both Houses.

My Lords and Gentlemen,

THE Great and Remarkable Success with which God The Queen's hath Blessed our Arms in this Summer, has stir'd up Speech to our good Subjects in all Parts of the Kingdom, to Express both Houses. their Unanimous Joy and Satisfaction; and I assure my Self you are all come Disposed to do every thing that is necessary for the Effectual Prosecution of the War, nothing being more Obvious, than that a timely Improvement of our present Advantages will Enable 'Us to procure a lasting Foundation of Security for England, and a sirm support for the Liberty of Europe. This is my Aim; I have no Interest, nor never will have, but to Promote the Good and Happiness of all my Subjects.

Gentlemen of the House of Commons.

I must desire such Supplies of you, as may be Requisite for Carrying on the next Year's Service, both by Sea and Land, and for punctually Performing our Treaties with all our Allies; the rather, for that some of them have just Pretensions depending ever since the last War, and I need not put you in mind of what Importance it is to preserve the Publick Credit, both Abroad and at Home.

I believe you will find some Charges Necessary next Year, which were not mention'd in the last Sessions, and some Extraordinary Expenses incurred since, which were not

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I assure you that all the Supplies you give, with what I am able to spare from my own Expences, shall be carefully Applied so the bost Advantage for the Publick Service; and I earnestly Recommend to you a speedy Dispatch, as that which, under the good Providence of God, we must chiefly Depend upon to Disappoint the Earliest Designs of our Enemies.

My Lords and Gentlemen,

I cannot but tell you how Essential it is for attaining those Great Ends Abroad, of which we have so hopeful a Prospect, that we should be entirely United at Home.

It is plain our Enemies have no Encouragement left, but what arises from their Hopes of our Divisions; 'Tis therefore your concern not to give the least Countenance to

those Hopes.

My Inclinations are to be Kind and Indulgent to you all; I Hope you will do nothing to Endanger the loss of this Opportunity, which God has put into our Hands, of securing our Selves, and all Europe, and that there will be no Contention among you, but who shall most Promote the Publick Welfare

Such a Temper as this, in all your Proceedings, cannot fail of securing your Reputation, both at Home and

Abroad.

This would make me a happy Queen, whose utmost Endeavours shall never be wanting to make you a Happy and

Flourishing People.

† Od. 25. The next † Day both Houses presented severally their Congratulatory Addresses to her Majesty;
That of the Lords was as follows:

The Lord's Address.

Subjects, the Lords Spiritual and Loyal Subjects, the Lords Spiritual and Temporal in Parliament Assembled, Beg Leave to Return Our Humble and Hearty Thanks to Your Majesty, for Your most Gracious Speech to Your Parliament.

The Kindness and Indulgence Your Majesty hath Express'd for all Your Subjects; Your Care to Create a perfect Union amongst Us, by Fore-

warning Us of the Mischies of Division; Your Goodness in Declaring Your Own Happiness to Depend on that of Your People; Your Desire

to See that Happiness Settled upon a Lasting Foundation; Your Strict Regard to Treaties; Your Iustice

Queen ANNE's Reign. Justice to Publick Engagements Abroad, as well A. C. as at Home, and Your Noble Concern for the Support of the Liberty of Europe Comprehend all the Royal Qualities that can be Defired in a Sovereign; and when they are all so manifestly United in Your Royal Person, We, and the whole Nation, should be Inexcusable to God, and to the World, to this Age, and to Posterity, if We should not endeavour effectually to Accomplish all those Great and Excellent Deligns which Your Majesty hath to Wifely and Graciously Recommended. We for Our Selves faithfully Affure Your Majelty. That We will do all in Our Power to bring this Session to a Happy and Speedy Conclusion, and to Improve to the Utmost the Blessed Opportunity which God hath put into Your Hands. Upon this Occasion of Approaching Your Majelly, We Defire Humbly to Congratulate the Great and Glorious Success of Your Majesties Arms, in Conjunction with those of Your Allies, under the Command of the Duke of Marlborough. We can never enough Admire Your Wildom and *Courage, in Sending that Seafonable and Necessary 'Ailistance to the Empire; And We cannot too much Commend the Secrecy, Dispatch, and Brawery, with which Your Orders were Executed. What Remains for Us to do, Is to beleech God, That the like Success may Attend Your Majesties Arms, till You See the Protestant Religion, and

What Remains for Us to do, Is to beleech God, That the like Success may Attend Your Majesties Arms, till You See the Protestant Religion, and the Liberty of Europe Settled upon a Firm and Lasting Foundation, and that your Majesty may Live many Years to have the Pleasure and Glory of Beholding these Parts of the World Happy, in the Enjoyment of those Blessings which your Majesty

Shall have procured for them.

Her Majesty's Answer to this Address, was:

My LORDS,

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I Am very Sensible of the Great Duty and Affection which you have Express'd in the several Particulars of this Address.

I Return you my hearty Thanks for your Congratulation of our Great Success, and for the Assurances of your Readiness to Concur in Prosecuting it Effectually.

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1704. The Address of the House of Commons, was to

The Commons Addrefs.

Most Gracious Sovereign,

Subjects, the Knights, Citizens and Burgefles in Parliament Assembled, do beg Leave to return Your Majesty our most humble and hearty Thanks, for Your Majesty's most Gracious Speech from the Throne; and to Congratulate Your Majesty upon the great and glorious Successes, with which it hath pleased God to bless Your Majesty, in the entire Defeat of the united Force of France and Bavaria, by the Arms of Your Majesty and Your Allies, under the Command, and by the Courage and Conduct of the Duke of Marlborough; and in the Victory obtain'd by Your Majesty's Fleet, under the Command, and by the Courage and Conduct of Sir George Rooke.

Your Majesty can never be disappointed in Your Expectation from us, Your Fairhful Commons, who all come disposed to do every thing that is necessary for the effectual Prosecution of the War; and therefore Your Majesty may depend on our Providing such Supplies, and giving such speedy Dispatch to the publick Business, as may enable Your Majesty to pursue these Advantages so happily obtained over the common Enemy; which we can never doubt but Your Majesty's Wisdom will improve to the procuring a lasting Security for England, and a firm

Support for the Liberty of Europe.

We are truly sensible. That nothing can be more Essential for the Attaining these great Ends, than to be entirely United at Home. We shall therefore use our utmost Endeavours, by all proper Methods, to prevent all Divisions among us; and will have no Contention, but who shall most promote and establish the Publick Welfare both in Church and State: Thus Your Majesty's Reign will be made happy, and Your Memory blessed to all Posterity.

The Commons having, in a Body, presented their The Queen's Address to her Majesty, the Queen told them, Gen-

tlemen, I return you many Thanks for this Address, and the Assurances you give Me of dispatching the Supplies, and avoiding all Divisions; both which, as they are extreamly acceptable to Me, so they shall be Advantageous to Your Selves, and Beneficial to the Publick.

The Lords Address was universally applauded; but Abundance of People took Exceptions at that of the House of Commons, particularly to that part of it, wherein they made use of the same Terms of Contrage and Condust to commend the Victories of the Duke of Marlborough, and the Advantages gain'd by Sit George Rooke; as if they meant to bring down the matchless Performances of the first, to the same Level with the Actions of the latter; which could not but be highly derogatory to his Grace's Glory. It was also taken notice of, that the Promise the Commons made to the Queen; 'That they would endeavour to prevent all Divisions; was, in a manner, ressenting the proper Methods for that end, which many looks to be Ominous.

About a Week after, the House of Commons having * taken the Services of the Army and Navy in- Nov. a. to Confideration, paffed an unanimous Vote, 'That The Comher Majesty be defired to bestow Her Bounty upon mons dethe Sea-men and Land Forces, who had behaved fire the themselves so Gallantly in the late Actions both by Queen to Sea and Land. And having presented an Address bestow her to the Queen to that purpole, Her Majesty gave Bounty on Answer, That she was always so desirous to give and Land Encouragement to those who did great Services to Forces. the Publick, that She could not but be well pleased with the notice they had taken of them in their Address; and that Her Majesty would take Care to give Directions accordingly. This done, the Commons went Unanimously and Chearfully upon the Commons Supply; and having examin'd the feveral Accounts about the and Estimates relating to the Navy and Land Forces Supply. for the year 1705. Resolved, 1. † That 40000 Sea-+ Nov. 7. men be employed in the Sea-Service, for the Year 22300001. 1705. including 8000 Marines; and that the Sum granted for of Four Pounds a Man per Mensem, be allowed for the Navy.

maintaining the faid 40000 Men for 13 Months, including the Ordnance for Sea-Service 2. * That * Nov. 9: 100000/. be allowed for the Ordinary of the Navy, for The ANNALS of .

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A. G. the year 1709. As also 40000 L to the Office of Orde 1704. nance, for the supply of Ordnance Stores for the Sea Service, over and above their proportion of the 4 L per Month, for maintaining 40000 Men; and

that 10000 L be also allowed to the said Office, to wards making a Wharf and Store house at Ports

Nov. 12. manch. 3. 1 That the 40000 Men which were 2420488! rais'd to act in Conjunction with the Forces of Her granted for Majesty's Allies be continued for the Year 1705, and the Land that a Sum not exceeding 885193 1; 3, 6 d. be grant-

Forces, Sub- ed to Her Majetty, for maintaining them for that fidies, &cc. Year. That the Additional Forces of 1,000 Men be continued for the Year 1705, and that 1775111, 33. 6 d. be granted for maintaining them for that Year. That Her Majetty's Proportion of Land Forces, to

Porcugal for the Year 1705, be 10200 Men, and that 222379 L. 5 s. 10 d. be granted for maintaining them that Year. That 370119 L. 1 s. 0 d. be granted for Payment of Her Majesty's Proportion of the Subsidies

to Her Allies for the Year 1705. That 40000 l. be granted for Her Majeffy's proportion of Her Subfidy to the Duke of Saver, from the 3d of Oktober 1703.

of the English Horse and Dragoons, lost the Bar-

tles of Schellenburg and Bleinheim: And that 24665 l.
be granted for delraying Her Majesty's proportion to
recruit the Men and Horses of the Foreigners that

which were lost in the same Battle. That 5135 in the granted for the Charge of an Additional Regiment of Dragoons and Foot, upon the Portugal Establish.

ment, from the 25th of October 1704. And that 244/.
be granted for the Charge of two Surgeons and four
Mates for the Hospital in Portugal, from the 25th of

Nov. 14. August 1704. to the 25th of December 1704. 4. *
That the Sum of 68546 l. 195. 6 d. be granted for detraying the extraordinary Expences of the War, in the Year 1703. pursuant to the Portugal Treaty, and not provided for the last Session of Parliament; that 357000 l. be granted for maintaining of Guards and Garrisons, and for Payment of Invalids for the Year

1705. including 5000 Men to serve on Board the

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Fleeti J. And lastly, † That 120000 1. be granted A. C. to Her Majefty for the Land Service, to be perform'd by the Office of Ordnance for the Year 1705; 60000 1. towards the Defraying the Charge of Trans + Nov. 16. porting Land Forces. And 4000 1. for Circulating Exchequer Bills for another Year; That 5000 Additional Forces be raifed to supply the like Number of Men, to act in Conjunction with the Forces of Her Majesty's Allies, to serve with the Fleet : that 11844 1. be granted for Levy-Money for the faid Men. And that \$71251. 10 s. o.d. be granted for maintaining the faid 5000 Men for one Year: All which Sums they afterwards refolved should be le-ways and vied by a † Land Tax of four Shillings in the Pound; Means to by * continuing the Duties upon Malt, Mum, Sy-raile those der and Perry, from the 3d day of June 1709, till Sums. which time they were granted, to the 24th of June Nov. 21. 1706. By training the Sum of 87793 ! 1. by Sale of Nov. 23. Annuities, upon the remainders of the Fund of thov. 25. 3700 l. per Week, charg'd on the Hereditary and Temporary Revenue of Excise; and by other Ways and Means. The Land-Tax Bill having had a quick The Land Pallage thro' both Houses, the Queen came to the Tax Bill House of Lords the 9th of December, to give it the past. Dec. Royal Sanction, which done, Her Majesty made the 9. following Speech to both Houses.

My Lords and Gentlemen.

I Am Glad of this Occasion, to Return you My hearty The Queen's Thanks, for your Making good the Assurances you gave Speech.

Me in your several Addresses, of your Zeal and Readiness

to Promote the Publick Business.

And I must Thank you, Gentlemen of the House of Commons, in particular, for your Early Dispatch of so great a Part of the necessary Supplies, which cannot fail of being a very Essential Advantage, both in the Forwardness of Our own Preparations, and in the great Encouragement it will give to all our Allies.

My Lords and Gentlemen,

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I look upon this good Beginning to be so sure a Pledge of your Affections for My Service, and for Our Common Interest, That I have not the least Doubt, but you will Continue with the same Zeal, to dispatch what remains of the

A. C. the Publick Business, and to bring this Seffica to a Happy and Speedy Conclusion. 1704

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It was generally wished, and, indeed, expected. both in the Court, the City, and the Country, that the Bill to prevent Occasional Conformity, which afford. Proceedings ed Matter of Division and Contention between the

about the Houses, in the two former Sessions of this Parlia-Occasionnal ment, would not have been set on Foot again at this Conformity Juncture, when all Parties ought, at least, to have fuspended their Animolities, and join'd in one Voice to celebrate the Triumphs of her Majesty's Arms. But, notwithstanding, all the Endeavours used by

bring in

Motion to the Ministry, to engage the Leading Men among the warm Stickless for the Church of England, to that Bill. contain their Zeal till such an Opportunity, as it might not be construed a Delign to obstruct the pub. lick Business; the Parliament had not fat long, be. fore Mr. Bromley moved in the House of Commons,

That leave be given to bring in that Bill. This Motion met with notable Opposition from all the moderate Party, among whom appear'd many Courtiers, particularly Mr. Boyle, Chancellor of the Exchequer, who spoke vehemently against it; but the it was carried in the Affirmative, yet the chief of the High Church Party debated several Days in their private Assemblies, whether they should bring in the Bill or no? And many People were of Opinion,

they would conclude in the Negative. However, Nov. 23. the Bill was brought in, * read the first Time, and the Question put whether it should be read a second

Time? Which after high and warm Debates, was carried in the Affirmative. This fecond Struggle against the Bill, even in the House of Commons, made those that push'd it forward justly apprehenfive, that it would never get a Pallage, by it felt, through the House of Lords; and therefore, after a

folemn Consultation in their chief Club, and as was whisper'd, by the Suggestion of a Person in whom they had great Confidence, and who delign'd to decoy

them into a Snare, they resolv'd to attempt the Tacking of it to the Money Bill, which, upon the t second Reading of the Conformity Bill, was accordingly propos'd. This occasion'd still warmer and

longer Debates, which kept both Court and City in great gre

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great Suspence, or rather Alarms; for twas gene- A. C. rally apprehended, that if the Question had been carried in the Affirmative, the Diffolution of this Parliament would have enfued, and how much that Debates, would have prejudiced all the Affairs of Europe is ea- whether the fie to be imagin'd. But thro' a great Providence, the Bill fould Sticklers for the Bill were strangely disappointed, be Tack'dor above a Hundred of those who before used to Vote "? with them, having deferted them on this critical The Nega-Occasion; so that the Negative prevail'd by a Majo-tive pre-rity of 251 Voices against 134. Besides the most vails. obvious Argument, that the Tacking of any Acts to Money Bills takes away the Negative both from the Crown, and the House of Lords; gives the Commons the whole Legislative Power, and so tends to destroy the Constitution; Mr. Secretary Hedges, and the Lord Gues represented to the House, 'That the Duke of Marlborough had lately concluded a Treaty with the King of Prussia for 8000 of his 'Men, to be employ'd towards the Relief of the Duke of Savoy, who was in most imminent Danger; that those Troops were actually on their March, upon the Credit of the Resolution the House had 'already taken, to make good her Majesty's Treaties, and that the obstructing the Money Bills, which the Tacking of the Occasional Bill would infallibly do, would put an immediate stop to the March of those Troops, and thereby occasion the entire Ruin of the Duke of Savoy. My Lord Cuts urg'd, That the English Nation was now in the highest Consideration Abroad; that all Europe were attentive to the Resolutions of this Parliament; and that if any Divisions should happen between the two Houses, it would cast a damp upon the whole Confederacy, and give the French King almost as great an Advantage, as we had gain'd over him at Bleinheim. Mr. Boyle, Chancellor of the Exchequer, seconded this, asking, Whether any wife Man amongst them would venture their whole Estate upon a Vote? No sure, laid hes 'Then, added he, shall we now venture the Safety of all England, nay, of all Europe, upon this Vote? Sir John Hollis, perceiving that many Members had left the High-Church Party, did witC. A. 1704.

tily expose them by saying. That for his own Part he had been against this Bill from the Beginning, but he wondered that those Gentlemen, who had all along pretended, that the Church of England was on the brink of Ruin, unless such a Bill did pass, should not pursue the only Method that might secure the Passing of that Bill. I put it to the Conscience of those Gentlemen, who are come over to Us. added he, whether they were before fatisfied as to the Reasonableness and Necessity of this Bill. fince they now defert their own Friends. I wish they had voted on our fide two Years ago, for 'rwould have faved Us a great deal of Trouble; the greatest Part of the Nation a great deal of Un. easiness; and themselves the Confusion of abandoning their Party at a Pinch. Sir Thomas Littleton spoke on the same side, and said, Gentlemen, By the Tacking of this Bill we mean to throw a Necessity upon the Lords to pass it: But suppose the Lords think fit to untack, what we have tack'd. and to acquaint us, That they are ready to pass the 'Money-Bill, but will consider of the other. Pray, whose Fault will the Nation account it to be, that the Queen's Business is retarded? Against all which 'Reasons little was offer'd of any Weight; and so it was refolv'd, that the Bill should not be tack'd. Tho' after this Disappointment, the High-Church

Party plainly faw that their long stickled for Bill was as good as loft, yet for form-fake, and to maintain their Credit, if not Abroad, at least in the House of Commons, they got the Bill to be read a third time, * pass'd, and fent up to the Lords for their Concurrence: Upon the reading t of this Bill in the House of Peers, the Archbishop of York, declared, That he was for so much of it as concern'd the Church: Whereupon the Earl of Peterborough, faid, 'He was glad flung out in to hear that Learned Prelate make a Distinction bethe House of tween the Ecclesiastical and Political part of the Bill; 'and he hoped, that all the Lords, who in their 'Consciences were satisfied, as his Grace seem'd to be, that this Bill was framed to serve a Temporal, as well as a Spiritual End, would Vote against it. Many other Speeches were made for and against the Bill, the Queen being present; but the Question be-

ing put, whether it should be read a second time?

† Dec. 15. The Coformity Bill Lords.

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Queen ANNE's Reign

It was carried in the Negative by a Majority of 71 Voices against 50. To wit, 51 Members present, and 20 Proxies, for slinging out the Bill; and 33 Peers in the House, and 17 Proxies, for Reading it a second Time.

By this time the House of Lords were taken up with a Business, that made no less Noise without Doors, than the Debates of the House of Commons about the Conformity Bill; and that was the Lord Hoversham's Speech, which was usher'd in with great Pomp, his Lordship having acquainted the Peers three days before, That he had matters of great Importance to lay before them, but would deter it till the House was fuller. The Expectation of what the Lord Haversham had to propose having brought The Lord all the Peers in Town and in the Neighbourhood Haverto the House, on the 23d of November, his Lordship sham's address d himself to them in this manner:

My Lords,

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'I AM very sensible to what Censure he exposes 'himself, who addresses your Lordships in such 'a Time; but this being the only proper Place for me to mention what I have to offer of Complaint, I the more considertly hope your Lordships forgiveness.

count of Carlosses Stephen Selver Band

Man's just Praise, and do really believe that the monderful Victory obtained over the French, under the Conduct and Command of Prince Eugene and the Duke of Marlborough, if consider'd in all its Circumstances, especially the unusual Secrecy with which the Orders were executed, is the greatest

any History can shew us.

And the our Success at Sea was not equal to what it was at Land, yet the English Courage and Bravery shew'd it self the same. I cannot, indeed, Congratulate Sir George Rooke's entire Victory over the French, but I can, and do most heartily, his Safe Deliverance from them, and that with a Fleet so unprovided, and so meaken'd by five or six Dutch Ships being called Home a little before the Engagement, seems to me a considerable piece of Service. To say more, would look like Flattery; and to say less, would be Unjust.

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A. C.

1704-

Nov. 23.

My Lords, Manual Con OF Constitutions

The Navy of England is its Glory, and its Guard; 'tis that which should Protect our Trade and Secure our Coafts. Your Lordings were fo fenfible of this, that you recommended these two Heads to her Majesty, in two Addresses last Sessi. ons, full of Respect, and yet very pressing; but we have been to far from receiving the Fruits we expected from your Lordships Care, that whoever will but take a view of what was done last Summer, will see our Coasts left naked, and our Trade exposed, St. Paul riding in the Channel, and our Merchants fo far from being Protected, that even our Men of War themselves are taken in our Soundings. And what sharpens our Mistortunes, is to see our Enemies making use of our own Ships against us, and to be provided with their very Naval Stores from us, as the Count de Toulouse's Squadron was, if an Eye-witness thereof, now at the Door, may be believed.

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My Lords Och alog activobs of at

Let our Victories be what they will Ashoar, while France is thus Powerful at Sea, and more so daily, not only by his new Additions, but by our too easie Concessions, as were those of St. Christophers, Newsoundland, and Hudson's Bay; while our Trade if thus neglected, and your Lordship's faithful and provident Advice bassled, by the dark Counsels of No Body knows who, England, in my Opinion, can never be Safe.

Another Thing that I shall take notice of, is the present State of the Coin; and I dare venture to say, that if such vast Exportations be much longer continued and allowed, we shall have very little left at Home; France may be bearen, but England must be beggar'd. I know we are not so sensible of this, because there is a Paper Money now Current; but should there ever happen to be a stop there, I pray

God preserve us from finking all ar once.

The last thing that I shall mention to your Lordships is with Relation to Scotland: I think, I need, but lay before your Lordships the true matter of Fact, to convince you how much it deserves your Consideration. A little before the last fitting down

Queen ANNES Reserv

of the Parliament there, it was thought necessary to make some Alteration in that Ministry, and accordingly some were displaced to make room for others, taking fome from each Party, who might influence the rest: Things being thus prepared, and a morly Ministry set up, the Parliament mer about the 6th of 74h last; and the the Succession to the Crown in the Protestant Line, was the main thing recommended with the greatest Earnestness by the Queen in her Letter to them, yet was it to postpon'd and beffled, that at length it came to nothing, partly because the Ministry was so weak and divided, that instead of doing every thing they could do nothing; and partly from a received Opinion, that the Succession it self was never Sincerely and Cordially intended, either by the Ministry there, or by those that

managed the Scotch Affairs here.

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This is Evident; for, at the very opening of the Session, my Lord Secretary himself distinguishes between a Secret and revealed Will. And not only that, but upon the 4th Sederunt (as they call it) a Motion was made for a Bill of Exclusion; I take 'it formally to be to, tho' it bears the Title of an 'Ad of Security, which was read the first time on the Seventh, and ordered to lye on the Table till they heard from England; and on the Tenth it past into 'a Law. Nor can any reasonable Man believe, that those who promoted a Bill of Exclusion there, or those who here advised the passing of it, could ever be really and cordially for the English Succession. I know there "is an Exception in the Act it felf, but 'tis such an one as might have full as well been left out; for he that asks what he knows before will never be granted, asks the Denial: And yet this is not all, but in this very Bill of Exclusion, as I call it, all the Heretors and Boroughs are not only Allowed, but Ordained (as the word is) to be Armed, and to Exercise their Fenceable Men once every Month.

This being the Fact (and I think I have stated it very truely) furely, My Lords, it is what deferves your Confideration, and I shall make but one or two Observations to your Lordships. There are two Matters of all Troubles, much Discontent, and great Poverty, and whoever will now look into Footland, will find them both in that Kingdom. 'Tis

certain

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1794:

The AND ALS of ...

A. C. 1704. Learned, and as Brave, as any Nation in Europe can boast of; and these are generally discontented. And as to the common People, they are very numerous, and very stout, but very poor. And who is that Man who can Answer what such a Multitude, so Arm'd, so Disciplin'd, with such Leaders may do, especially since Opportunities do so much Alter Men from themselves? And there will never be wanting all the Promises, and all the Assistance France can give.

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Besides this, My Lords, I take it to be of the last Danger to England, that there should be the least Shadow or Pretence of a Necessity to keep up Regular and Standing Troops in this Kingdom in time of Peace, for I shall always be of the same Opinion, That what

has been, may be.

'In short, My Lords, I think every Man wishes these Things had not been; and, in my Opinion, there is no Man but must say they should not have been. I shall end with an Advice of my Lord Bacon's: Let Men, says he, beware how they neglect or suffer matter of Troubles to be prepared, for no Man can forbid the Spark that may set all on Eire.

'If any thing I have said deserves it, your Lord-'ships will take it into your Consideration; it not, 'I'm sure I ought to ask a thousand Pardons for so

long Abuse of your Patience

The Lords
variously
affected
with this
Specch.

The Lords were variously affected with this Speech, which, though it was generally approv'd, as to what relates to the Scotch Affairs; yet it was no less unwelcome, than unexpected, to fee the present Ministry reflected upon, to whose wife Councils and Management the Nation ow'd its Prosperity at Home, and, in great Measure, its Succelles Abroad. And belides, some Peers thought it Derogatory to the Duke of Marlborough's Glory, that Prince Eugene should be named before his Grace. in the mention of an Action, in which that Prince acted but a second Part. However, this Speech was feconded by the Earls of R and N m; the first of whom did, particularly, lament theill Consequences of the Exportation of the Coin, and infilted on the Necessity of putting a stop to that Evil. The Lord T who took this to be a That Side-Wind Reflection upon himself, said, tho

Queer ANN Es Reigh the is would not be difficult to demonstrate, that A. C. there never was to great Plene of Money. In Smiller, seat present wet there was a fure way to entered the Exportation of Coin, and that was by clapping up a Peace with France: But then added he very threwdly, I leave it to the Consideration of any wife Man, whether we will not thereby be shortly in Danger of Josing, and only all our Coin, but all our Land to Boot. Seed the Lord Haverson's Speech, the 20th of Nevember was appointed to consider of it, upon which day the Queen went to the House of Peers integrate, both to The Caren hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with hear their Debates about that important Matter, and get with heart heart of Partition; the Lord Somer; 106e up, and faid, it was unbecoming a Memper of The Hamber of the Treaty of Partition; the Lord Somer; 106e up, and faid, it was unbecoming a Memper of The Hamber of the Treaty of Partition, before his Successor, would do the fame by her present Might, who who was the principal Agent, and Plestpotentiary and who will have been done to the Treaty and whose Lord Memory of an is like mean time. The Lord Memory of the Memory of an is late most Gracious Matter, and his well as lutering the hist time the Queen did the House the Lord with feveral Peers, whether they thould move to hear their Debates, they thought the odd in the first time the Queen did the House the Lord with f tho if would hot be difficult to demonstrate inat Majelly. As to the main Bulinels of the day, the Majesty. As, to the main Business of the day, the Earls of N and R urged the ill Conurged the ill Consequences of the Act of Security passed in England; To which it being answer'd, That if that Act had not been granted, there might have been danger of a Rebellion in that Kingdom; it was reply'd, That if the Sees had rebell'd, they would have rebelled without Arms; whereas, if they had a mind to Rebel now, this Act had Legally supplied them N & With

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The ANNALS of 180 with Necessaries to maintain their Rebellion. The most moderate among the Lords represented, that as skillful Physicians, and wife Legislators, they ought A. C 1704 rather apply present Remedies to a known Evil, than Resolutions to lose time in enquiring whether it might have been of the Peers prevented; and after having spent several Days on invelation this Affair, her Majesty, for the Reasons above. 10 Scot10 Scot11 Ind.
12 Of the Peers come to these Resolutions, That I the † Dec. 7. best method to prevent the Inconveniences which might happen by the late Acts palled in Scotland was by making fuch Laws here for that purpole; that the Queen be enabled by Act of Parliament on the part of England, to name Commissioners to treat about an Union with Scotland, provided that Suggeften b the Lard those Powers be not put in Execution till Commif-Wharton Dec. 11 fioners should be named on the part of Scotland, by the Parliament there; That † Scotchmen should not enjoy the Priviledges of Englishmen, except such as + Thiy by 1be Lord are fettled in this Kingdom, in Ireland, and the Plantations, and fuch as are, and shall be in our Land and Sea Service, until an Union be had, or Hallifax. Vinderates the Succession fettled as in England; That * the By the Bringing of Cattle from Scotland into England be Lord Ber prevented; That I the Lord Admiral, or Commis-lioners of the Admiralty for the time Being, be rerars. + By the quired to give Orders to her Majefty's Ships, to Earl of Torringtake fuch Ships as they shall find Trading from Scotton. land to France, or to the Ports of any of her Majesty's Enemies, and that Cruizers be appointed for that end , And that the Exportation of English Wool These Resoluti-* By the into Scotland be carefully hindred. Lord ons being approved by the House, the Judges were Mohun. order'd to reduce them into Bills, one of which, for an entire Union with Scotland, was read a third Time, and pass'd the 20th of December, and fent to the Commons for their Concurrence. Two days after the Lords presented the following Address to the Queen : The Lords Addre s to E Your Majesty's most Loyal and Obedithe Queen. ent Subjects, the Lords Spiritual and Temporal in Parliament Affembled, having taken into Our Consideration divers Acts of Parliament lately paird in Scotland, and duly Weigh'd the many Miw ! 2 1

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Queen A N N E's Reign.

many Dangerous and Pernicious Effects which are A. C. likely to follow from thence, as well in respect to the Trade, as to the present and surure Peace, and quiet of this Kingdom; have thought Our Selves indispensably Oblig'd, in Duty to your Majesty and four Country, to Proceed in the most Serious and Deliberate Manner, to Consider of the best Expedients for Preventing and Avoiding such great Evils.

And as in Order to this End, We are with all Diligence Preparing Bills, which in due time being
Offer'd to Your Majesty in a Parliamentary Way
for Your Royal Approbation, We Hope may
Prove of good Effect; So We think Our Selves at
present bound to Represent to Your Majesty as Our
humble Opinion, That it is highly requisite for
the Safety of this Your Kingdom, that Speedy and
Effectual Orders should be given for Putting the

Town of Newcasile into a Condition of Defence;
And for Securing the Port of Timmouth; As also for
Repairing and Strengthning the Fortifications of

Berwick, Carlifte and Hull. Last vol ab.

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We do likewise Beseech your Majesty, to Cause the Militia of the Four Northern Countries to be Disciplin'd, and to Order the Necessary Care to be Taken for Providing them with Arms and Ammunition, that they may be in a readiness for Service upon Occasion: and we do further humbly Advise Your Majesty, That a Competent Number of Your Regular Proops may be Ordered to be Kept upon the Northern Borders of England, and in the

Time Line

North Parts of Ireland.

We do also humbly Offer to Your Majesty Our Opinion, That in the Present Juncture of Assairs, this requisite Your Majesty should be Pleased to Direct the Laws to be Effectually put in Execution against all Papists, and Reputed Papists, and all Persons Resulting or Neglecting to Take the Oaths to Your Majesty, in respect to their Arms and Horses, and to Order a particular Account of what is done in Execution of Your Commands, to be laid before Your Majesty in Council without Delay; to the End it may Appear what Persons have done their Duty therein.

Her

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dand, or the Dominions thereunto belonging, or at prefere in Service in the Army of Navy, shall be reputed as Aliens, unless the Succession to the Crown of Scooland be ferried on the Princels Sophia

of Hinovery and the Heirs of her Body being pro-"(chants) 12 That a more effectival Provision be

soude to prevent the Exportation of Wool from England and Ireland into Scotland 4. That Provifion be made to prevent the Importation of Scotch Linnen into England or Ireland; and to permit the Exportation of the Linnen Manufactures of Ireland, fin English Bottoms, into her Majesty's Plantations into the Wift Indies. 5 That immediate Provisoon be made to prevent the conveying of Horles, Arms and Ammunition from Englandor Ireland into Scotland. 6. That all the Protestant Free holders

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Queen ANNE's Reign. 183

ted to furnish themselves with Arms! These Resolutions being read Twice; all, except the last, were agreed to by the House; who appointed a Committee to prepare and bring in a Bill accordingly, and sive a days after, upon the Second Reading of the Jan. 16. Lords Bill to the same Purpose, ordered it to lie upon the Table. On the first day of February, the Commons tead the third Time, and passed their own Bill, relating to Scotland, and sent it to the Lords for their Concurrence, which their Lordships readily

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gave, and returned the Bill four days † after without † Feb. 5.

The Duke of Marlborough was, immediately after Dec. 12. his Arrival at the † Hague, complimented by the De. N. S. puties of the States General at his Palace, where they had a long Conference with his Grace. All the Foreign Ministers, and other Persons of distinction, waited also on the Duke, congratulating his safe return, after the Labours and Fatigues of his Glorious Campaign; and many private Persons made Illuminations, and other Rejoicings upon that Occasion. His Grace having staid a few days at the Hague, to concert mea. The Duke sures with the Deputies of the States for the Operation Marlons of the next Campaign, embark'd in the Maese the borough with of December (O. S.) at night, on Board one of returns in

her Majesty's Yarchts, under Convoy of several Ships Dec. 14. of War: bringing over with him Mareschal de Tat-O. S. lard, with 26 other French Prisoners of Note, and the Standards and Colours taken at Bleinheim, as Trophies of his Grace's Victory. On the 14th the Yatchts and Men of War entred the River Thames, and the Duke having left the Yatcht, in which he came over at Greenwich, went in the Admiralty Barge thro' Bridge; but finding, that his Dutchess was gone to the Tower in her Coach, to wait his Arrival, he sent a Messenger, and staid for her at the Old Swan, from whence his Grace came to Whitehal about Noon; and having refreshed himself a little while at Colonel, Godfrey's Lodgings, he went Privately in a Chair thro' the Park to St. James's House, where he was

received with all the Marks of Grace and Favour by Her Majesty, and his Royal Highness, Prince Genrge of Denmark. The next day the Duke being come to

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The ANNALS of A. C. the House of Peers, the Lord Keeper Addrest his Grace with this Compliment 1704 S My Lord Duke of Marlborough, He happy Success that hath attended Her Maje. The Lord fly's Armies under your Grace's Commandin Keeper's Compli-Germany the last Campaign, is so truly great so true : ly Glorious, in all its Circumstances; that few Into the Duke. ftances in the History of former Ages can equal, Dec. 14. much less excel the Lustre of it. Your Grace has not overthrown young unskilful

Your Grace has not overthrown young unskilful Generals, raw and uncifciplin'd Troops; but your Grace has conquer'd the French and Bavarian Armies: Armies that were fully instructed in all the Arts of War; select Veteran Troops, slush'd with former Victories, and Commanded by Generals of great Experience and Bravery.

The Glorious Victories your Grace has obtained at Schellenberg and Hochstee, are very Great, very Illustrious in themselves; but they are greater still in their Consequences to her Majesty, and Her Allies.

The Emperor is thereby reliev'd; the Empire itself freed from a dangerons Enemy, in the very Bowels of it; the exorbitant Power of France is check'd; and, I hope, a happy Step made towards reducing of that Monarch within his due Bounds, and securing the Liberties of Europe.

The Honour of these Glorious Victories, great as they are; (under the immediate Blessing of Almighty God) is chiefly, if not alone, owing to your Grace's Conddet and Valour.

This is the unanimous Voice of England, and all Her Majesty's Allies.

My Lord,
This most Honourable House is highly sensible of the Great and Signal Services your Grace has done her Majesty this Campaign, and of the Immortal Honour you have done the English Nation; and have commanded me to give you their Thanks for the same.

And I do accordingly give your Grace the Thanks of this House, for the great Honour your Grace has done

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Queen A NINE's Reign.

done the Nation, and for the Great and Signal Ser. A. C. vices you have done HerMajesty, and this Kingdom, the last Campaign, of or wen regord to

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The Duke of Marlborough's Reply was: ring and the Main and Many Yardres in the R

My Lords

Am extreamly fensible of the great Honour your 'Lordships are pleas'd to do me. I must beg on this Occasion to do Right to all the Officers and Soldiers I had the Honour of having under my Command; next to the Bleffing of God, the good Success of this Campaign is owing to their extraordinary Courage,

I am very fure it will be a great Satisfaction, as well as Encouragement to the whole Army, to find

their Services to favourably accepted.

The same day a Committee of the House of Commons having waited upon his Grace, to give him the Thanks of the House, as well for the eminent Services he had perform'd to Her Majesty, and the Kingdom, as well in the Glorious Victories which had been obtained under his Command, as for his Prudent Negotiations with several Princes and States; and to Congratulate his Arrival, It is a great Satis-The Duke's faction to me, faid the Duke to them, to find that my Answer to Faithful Endeavours, in discharging my Duty to the Queen, the Thanks and to the Publick, are so favourably accepted. I beg of the House leave to take this Opportunity of doing Justice to a great of Commons. Body of Officers and Soldiers, who accompanied me in this Expedition, and all behaved themselves with the greatest Bravery imaginable: And, I am Jure, this Honour done Us by the House of Commons, in taking so much notice of it, will give a general Satisfaction and Encouragement to the whole Army.

Mareschal de Tallard, with the other French Generals, being now at the Queen's disposal, her Majesty had a fair Opportunity, to shew her Resentment of the late Haughry and Contemptuous Carriage of the French, towards her Royal Person and Dignity: For, to pass over other Indignities, 'tis remarkable, that when the Lord Cutts was about lettling a Cartel with them, they would not allow his Title of Lieutenant General of the Queen of England's Forces, but

A C. only of the English Forces, whereupon the Conferences were broke. Upon this, and fome other Confidera. tions, not proper now to be mention'd, it was te. Some Mor folv'd to give those Prisoners some small Mortifica. tification tion, by letting them he two nights on Board the Ca. given to the therine and William and Mary Yatchts in the River; French and by fuffering no Person of distinction to have Ac. Prisoners. cols to them. And tisto be noted, that the Earl of

m, having ask'd the Duke of M whether he might go and fee his old Friend and Ac. quaintance, Mareichal de Tallard? His Grace told him. He believed the Queen would not refufe his Lordfhip deave, if he ask'd it of Her: Which the Earl wilely took for a foft denial, and fo forbore any further Applica. tion to fee Count Tallard. On the 16th of December, that General, with the rest of the French Prisoners. were landed at Blackwall; where they were magnithen, in the Alternoon, they fer out in a great many

field.

ficently entertain'd at Dinner by Mr. Johnson; and Coaches for Barnet, in their way to Nottingham and fent to Not- Litchfield, where Her Majeffy thought fit they should tingham refide, to wit, at Nottinghom, the Marefchal de Taland Litch- tard. Marquis de Monperrous, General of Horse, Comte de Blanzug, Lieutenant General. Marquis de Hautefuille, General of Dragoons. Marquis de Val-Jeme, Marquis de Seppéville, Marquis de Silly, Chevalier de Croiffy, Marquis de la Valliere, Majors General. Monfieur de St. Serond, Brigadier. Marquis de Vaffey, Colonel of Dragoons. At Litchfield, the Marquis de Maridaux, Lieurenant General. Monfieur de la Meffiliere. Monfieur Joh, Monfieur d'Amigni, Brigadiers. Monfieur de St. Maurice. Comte de Lionne, Marquis de Laffey, Baron d'Eift, Monfieur de Balin. court, Monfieur Saulveboeuf, Monfieur de Montenay, Monfieur de Gallare, Monfieur de Craff, Colonels of Foot. Monsieur de Ligondais, Baron de Heyder, Cotonels of Horse. Monsieur de Prie, Monsieur d'Aurival. Colonels of Thagoons.

They were accompanied by General Churchill, and attended by a Detachment of the Duke of Northimberland's Royal Regiment of Horfe, who were alfo order'd to guard them, at large, at Nottingham and Litchfield; the French Prisoners being allowed all manner of Freedom, both in those places, and ten

Miles round about.

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On the sorth of Occember, the Right Honourable Sidof England and one of Her Maighty's most Honourable Ring Council, who, towards the beginning of July, The Lord had been Elected Knight Companion of the most Godol-Noble Order of the Garter, and Invested with the Phin In-George and Garrer, was Install'd in the Chappel Roy. Stall d al of Sa. George, within the College, in the Caltle of Knight of the Garter. Windson, by his Grace George Duke of Northumber- Dec. 30. land, Constable of the faid Castle, and the Right Honourable Themas Earl of Pembroke and Montgomery, Lord Prefident of Her Majetty's most Honourable Privy Council, Knights and Companions of the faid Order Commission'd thereto by the Soveraign. under the Great Seal of the Order, with the ulual Geremonies. His Grace John Duke of Buckingbam and Normanby, Lord Privy Seal, and Knight Companion of the fuid Order, being present in his full Habit of the Order at this Solemany, was first Condested to his Stall in the ufual manner: And after all the Ceremonies were perform'd in the Church, the faid four most Noble Knights, proceeded from thence up the North Ile of the Chair, thro' the Cloisters to the Deanery, and so up to the Castle, with their Caps and Feathers, on their Heads, and their Trains born by the Children of the Choir; Preceded by the Poor Knights, Prebends, Officers of Arms, and the Officers of the Order, the Trumpets founding, and the Drums beating all the way from the Cloisters up to the Castle; where they were most folendidly Entertained at Dinner, together with a numerous Company of the Nobility, and other Perfons of Quality, (who were prefeat on this Occafion:) as also the Officers of the Order, at the new Knight's Charge in the great Guard-Chamber of the Gaftle; and a Table was likewife provided for the Officers of Arms, who attended this Solemnity-

The Queen having been pleased to order, That The Stanthe Standards and Colours taken in the famous Bat-dards and the of Blenbeim, which were lately brought from be- Colours. yourd Sea, and lodged in the Tower, should be put taken at up in Westminster-Hall; a Detachment of Her Maje-Blenhim, fty's Horse Guards and Horse Grenadiers, and a Bat-put up in talion drawn out of both Regiments of Her Maje-fter-Hall, fly's Foot-Guards, marched the 3d of January, early Jan. 3.

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in the Morning to the Tower to receive them, at which time the great Guns were fired. From thence they proceeded in the following manner; First, the Troop of Horse Grenadiers; then the Detachment of the three Troops of Her Majelty's Horle Guards, 34 of the Gentlemen in the Center, carrying each a Standard taken from the Enemy; the Battalion of Foot Guards closed the March; the Pikemen to the number of 128, who had left their Pikes at the Tower. carrying each one of the Enemies Colours, advanced. In this manner they march'd thro' the City the Strand, and the Pall-Matt, and palled before her Majelty's Palace at St. James's, then thro' Se. James's Mews into the Park, where Her Majesty was pleased to see them pass by from the Lord Fitzbarding's Lodgings, 40 Guns in the Park being twice fired at the same time : Thence they proceeded thro the Horfe-Guard, King fireet, and the New Palace Yard to Westminster-Hall, where the faid Standards and Colours were put up, to remain there as Prophies of that fignal Victoorm'd in the Church

The Duke of Three Days after, the Duke of Marlborough having been invited by the Lord Mayor, and Court of Al-Marlborough en-dermen, to diffe with them in the City, his Grace tertained went thither about Noon, accompanied by the Lord by the City, Treasurer, the Prince of Heffe, and the Duke of So-Jan. 6. morfet, in one of Her Majeffy's Coaches, and was followed by a great Train of other Coaches, in which were the Foreign Ministers, with several Persons of Quality; and the Generals, and other chief Officers of the Army, who were Iplendidly entertained at Goldsmith's Hall. They were received at Temple-Bar by the City-Marshal, and attended both going

and returning with great Acclamations from the People.

Address of Two Days * before, Dr. Delaune, Vice Chancelthe Univer- lor of Oxford, accompanied by feveral of the Heads for of Ox- of both Houses, the Proctors, and other principal ford, pre- Members of the University, attended the Queen with Sented to a Printed Copy of the Speeches and Verses, which the Queen. were spoken in the Theatre on New Years-Day, up-Jan. 4. on the following Themes, viz. Serenæ Oxonienfes; Cavolus Tereim Hofpes ; Clades Hooftadienfis ; Bavarus Pro-Marlburin Germana Restieuta : Marlburin Germanicus; Fedus Lufitanicum; Calpe Expugnata & Imperium Pe-

dares has the great

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lagi Prolatum: Rookius Invidia Major; Landava Recepta; Mercurius Parifienfis; Vota Academia: And prefented the same to Her Majesty, together with the following Address.

May it please your Majesty,

E Your Majesty's most Dutiful and Loyal Subjects, the Chancellor, Masters and Scho-' lars of the University of Oxford, humbly beg Leave to present to your Majesty the Exercise perform'd in our Theatre on New Years Day, in Honour of the great Success of Your Majesty's Arms the last Year in Germany, under the Admirable Conduct, and invincible Courage of his Grace the Duke of Marlborough; and at Sea, under your most Brave and Faithful Admiral, Sir George Rooke : Actions as Beneficial as they are Glorious; by which the Empire Is freed from the Power of France, and Treachery of Bavaria: Charles the Third of Spain possessed of the strong Hold of Gibraltar, a happy Presage of his 'speedy Settlement in his Kingdoms; Trade and Commerce in the Mediterranean secured to Your Subjects and Allies; and the greatest Check that was ever given to the Ambitious Deligns of France.

'We humbly presume, Madam, that the Sincerity of our Congratulations, will not be questioned. by Your Majesty, who knows that our Security advances equally with Your Majesty's Greatness and

Power.

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Yet it is not our Interest so much as our inviolable Loyalty, which obliges us to put up our constant Prayers to God, That he will be pleased still to reward your Majesty's Pious Care and Concern for the Establish'd Church, by the Continuance of Victory to Your Arms; That at the Beginning of every New Year, Your Majesty may look back upon the last with as much Satisfaction as You do at present.

Every Body at Court was not equally pleas'd with this Address, which seems to extor the Actions of the Admiral, as high as those of the Captain General; but, however, Her Majesty received it very graciously, and return'd the following Answer.

Mr. Vice Changellor, and and and in Proceeding

Defire you will let the University know how kind.

Iy I take this Instance of their Zeal: And as they may be affured of My Protection, to I will not doubt of their Care to encourage those Principles which will promote the Peace and Welfare of Me. and all My Subjects.

The 1 ith of the same Month, being the Day ap? pointed by the Commons, for taking into confidera. tion the great Services that had been perform'd by the Duke of Marlborough the last Summer, and to confider of some Means to perpetuate the Memory of them; They came to this Unanimous Resolution,

favour of * Marlborough, Jan. II.

Vote of the That an humble Address be presented to her Ma-Commons in ciefly, expressing the great Sense this House hath of the Glorious Victories obtain'd by the Forces of Marlbo her Majesty, and her Allies, under the Command of his Grace the Duke of Marlborough; and humbly desir'd her Majesty. That she would be Gra-ciously pleas'd to consider of some proper Means to perpetuate the Memory of the great Services perform'd by the faid Duke.

Which Address being presented to her Majesty by the whole House, her Majesty was pleas'd to give this Gracious Answer: Answer die vilsup

Gentlemen, Jam very well pleas'd with your Address; and I will take it into consideration, as you desire, and send rou my Thoughts upon it, in a little time.

January the 16th Her Majesty was pleas'd to give the Royal Affent to the Two following Acts, viz. An Att for raising Monies by Sale of Several Annuities for carrying on the present War: And an Act for continuing the Duties upon Malt, Mum, Syder and Perry, for One Year. The next † Day Mr. Chancellor of the Ex-ahequer acquainted the House, That he had a Mes-sage Sign'd by her Majesty: And he deliver'd it to † Jan. 17. Mr. Speaker, who read the lame to the House, and sioully, and return d the following: drawollol as asw

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ANNE R. Hairfy baving taken into Her Consideration the HER Majesty baving taken into Her Consideration the Haddress of this House, relating to the great Services performed by the Duke of Marlborough, does incline to Grant the Interest of the Crown in the Honour and Manor of Woodlock, and Hundred of Wootlon, to him and hundred, and desires the Assistance of this House upon this Extraordinary Occasion.

The Lieutenancy and Rangership of the Parks, with the Rents and Profits of the Manor and Hundreds, being granted for Two Lives, Her Majesty thinks it proper that

Incumbrance should be cleared.

Upon which, the House Resolv'd, that a Bill be brought in to enable her Majesty to grant the Honour and Manor of Woodstock, and Hundred of Woorston, to the Duke of Marthorough, and his Heirs.

And it was further resolved, That an humble Address be presented to Her Majesty, That she will be graciously pleased to advance the Money for clearing the present incumbrance upon the Lieutenancy and Rangership of the Parks, Rents and Profits of the Honour and Manor of Woodstock, and Hundred of Woodstook, in order to the present Settlement thereof

upon the Duke of Marlborough, and his Heirs.

Whatever was the Reason, it had been determin'd that Sir George Rook should not command the Fleet in the Year 1705; which Resolution was only whisper'd about for some time, and then it was first made t publickly known, That his Royal High I Jan. 6. nels the Lord High Admiral had appointed Sir Jan. 18. Cloudesty Shovel, Admiral of the White Squadron sty Shovel of her Majesty's Fleet, to be Rear Admiral of Eng. made Rear land: And not many Days * after that, his Royal Admiral of Highness had nam'd that Brave and Experienc'd Offr England. cer, to be Admiral and Commander in Chief of her and Admir Majesty's Fleet. Sir John Leake, who had distinguish dral and his Courage and Conduct, as on many other occali-Commanons, fo particularly in the late Sea Fight, and in the der in Chief Relieving Gibraltar, was, at the fame time, appointed of the Fleet. to be Vice-Admiral of the White Squadron, Sir gobs Other Offi-Bing Vice-Admiral of the Blue, Sir Thomas Delks pleet pro-Rear Admiral of the Red William Whetston Elgimoted. Rear-Admiral of the White, I Sir John Jenning, I Jan 24.

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Council

A. C. Rear-Admiral of the Blue, in the room of Sir James Wishart; who laid down his Commission? Thomas Jennings, Efq; to be one of the Principal Officers and Commissioners of her Majesty's Navy, and Captain

Thomas Harlow to be a Commissioner of the Victualling in his Room. Some time before Christopher Mulgrave Musgrave, Efg; was, by the Queen's Command. Elq; Sworn fworn one of the Clerks of her Majesty's most Ho. Clerk of the nourable Privy Council in Ordinary, in the Room of Sir John Nicholas, Knight of the Bath, lately

Jan. II. deceas'd.

of Pruffia netify'd.

On the 14th of February, the Baron de Spanheim, Ambassador Extraordinary from the King of Prussia, had a publick Audience of her Majesty, and his The Death Royal Highness Prince George, to notify the Death of the Queen of her late Majesty the Queen of Prussia; his Excellency, and the Gentlemen of his Retinue, being in long MourningCloaks, and attended by a great number of Servants, all in deep Mourning. Four days after the Court left the Mourning they were in for the Dutchels Dowager of Holstein, Sifter to his Royal Highness Prince George of Denmark, (who died at her House of Kiebl the 20th of October, 1704.) and went into it again for the Queen of Pruffia, who departed this Life the last day of January (N. S.) at Hanover, atter having been ill Three or Four days of a fwelling in her Throat, leaving that Court, and that of Berlin, under an unipeakable Grief. She was the only Daughter of the late Elector of Hanover, by the Princess Sophia, and Great Grand-Daughter to King James I. born the 20th of October 1668, N.S. and Married to the present King of Prussia in 1684. She left no other Islue than the Prince Royal Frederick William, who was in Holland, ready to Embark tor England, when that afflicting News oblig'd him Her Cha. to return to Berlin. She was a Princess equally respected, admir'd and belov'd by all, who had either had the Honour to approach her, or to hear her Character from those that had. She was the first of those of her Rank in Beauty, and yielded to none in the justness of Thought, the Delicacy of Expression, or the Graces of Conversation. Her Person was of the middle Size, but fomewhat too plump; all her Features extreamly regular; her Complection fair and lively, her Eyes blue, and her Hair Cole-black : Her Read-

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Reading was infinite, and she was conversant in all manner of Subjects; Nor was she more admired for her initimable Wit, than for her exact Knowledge of the most abstruse Parts of Philosophy. No Body ever better understood the Art of Giving an Improving Relish to all Entertainments; but her favourite Diversion was Musick, in which she excell'd both in the Performance, on the Harpsichord and the Composition. She lov'd to see Strangers, and to inform her self of all that's Worthy or remarkable in their several Countries; And she had so just an Idea of Government, that in all Germany she was stilled, the Republican Queen. The loss of a Princess of so uncommon Merit, could not but be generally lamented in all Protestant Countries.

Some days before the Death of this Excellent Queen was notify'd, the House of Commons * took * Feb. 8. into Consideration the Treaty lately Concluded by the Duke of Marlborough, and unanimously Resolv'd,

'That an humble Address be presented to her Maje-Address of thy, Returning the Thanks of this House to Herthe House of Majesty, for concluding the late Treaty with the Commons King of Prussia, which is so seasonable a Support to in Praise the Duke of Savoy, and so great an Advantage to the of the King Common Cause. And also to affire her Majesty of Prussia.

Common Cause: And also to affure her Majesty, of Prussia.
That her Faithful Commons will effectually enable her Majesty to make good the said Treaty with the King of Prussia, who, upon so many Occasions, hath Signalized his Zeal for the Protestant Religion,

and Liberty of Europe. The next † Day Mr. Secre † Feb 9. tary Hedges acquainted the House, That their Address having been presented to her Majesty, Her Ma The Queen's jesty was pleas'd to make the following Answer, viz. Answer.

HER Majesty returns you many Thanks for the Assurances you have given Her in your Address; and is very well pleased to find you have so just a Sense of the King of Prussia's Zeal for the Protestant Religion, and the Liberty of Europe.

The 26th of the same Month Mr. Speaker repor-Address of ted to the House, That the House had attended her the lame Majesty with their Address, 'That her Majesty the Alties, 'would be Graciously pleased to use her Interest with and the her Majesty's Allies, That they may the next Year Hungati-furnish their several compleat Quota's, both by Sea an Male-and contents.

A. C.

and Land, according to their respective Treaties; and that her Majesty will be Graciously pleased to continue Her Endeavours for an Accommodation between the Emperor and his Subjects now in Arms in Hungary, in order to the better and more effectual carrying on the present most necessary War: And that her Majesty was pleased to give this Gracious Answer.

Gentlemen,

I Will continue to use my best Endeavours to obtain a Compliance from the Allies, with what is desired in your Address.

As to the Accommodation with the Malecontents in Hungary, I have made Application to the Emperor several times upon that Point, and shall continue to press him in it with all the Earnestness imaginable.

t Feb. 20. Some Days † before Mr. Chancellor of the Exchequer, acquainted the House of Commons, That Address a their Address having been presented to the Queen, tout make That she would be pleased to direct, that a Survey ing an Harbe made of Whitsand-Bay, and Por do nac Point, and tour in an Estimate of the Charge of making an Har-Whitsand bour and Light House there, Her Majesty was pleased to say, That she would give Directions, That a Survey t Feb. 22. and Estimate be made, as was desired. Two days † af-

t Feb. 22. and Estimate be made, as was desired. I wo days fatter, the Queen was pleased to confer the Honour of Knighthood upon William Whotstone, Esq.; Rear Admiral of the White, and Commander in Chief of the Squadron of her Majesty's Fleet in the West-Indies, in Consideration of his good Services; And

Dursley Writ to the House of Peers, James Lord Dursley, Elcouled by dest Son to Charles Earl of Berkeley, his Lordship Writ to the was accordingly † introduced, and Seated on the Ba-House of ron's Bench, in the usual manner.

Lords. On the 5th Day of December, the Commons retMarch 7. folv'd, 'That John Paty, John Ouiat, John Paton, Vote of the Jun. Henry Basse, and Daniel Horn of Aylesbury, had been guilty of Commencing and Prosecuting an against the Action at Common Law against William White and five Ayles others, late Constables of Aylesbury, for not allowbury Men. 'ing their Votes in the Election of Members to serve in Parliament, contrary to the Declaration, in high

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Queen ANNE's Reign. Contempt of the Jurisdiction, and in Breach of the known Privileges of that House; and at the same 1703. time ordered the 5 Aylesbury Men to be Committed to Newgate, which being done accordingly they brought They are their Habeas Corpus to the Court of Queens-Bench. This being a Case of the highest consequence, the to Newludges put off the Hearing of it till the last day of gare. the Term; that they might have the more time to Their Cafe look into Precedents, and that thereby their Opini. heard at ons might carry the greater Weight. Mr. Page, Mr. Bench Bar, Montague, Mr. Lechmere, and Mr. Denton were Coun- Feb. 12. cil for the Prisoners, and after the Reading of the Return of the Commitment, the first faid, 'That the Mr. Page Writ of Habeas Corpus, is a Writ grounded on Com- Pleads for 'mon Law, and therefore this Court can Bail all the Prijon Persons, that by the Laws of England are Bailable ; ners. That he did not fay, but that the House of Commons hath Privileges that belong to them, and may Commit for Breach of fuch Privileges; that 'he did now only inquire, it there be any Law for the Commitment of the Prisoners, and therefore the hill Queltion he made, was, If there was a Breach of Privilege returned? Adding, That there being no notice in the Return, that the House of Commons has any Privilege, he needed not argue whether

they have a Power, or not, to restrain Men from Suing in the Queen's Court. The Lord Chief Justice Holt having told Mr. Page, That the Question was, If they were not to take notice of their Power, the not return'd to that Court: Mr Page answer'd, That the the Court would take notice of any Power of the House, yet that not appearing in the Return, they could not judge of it, the Commitment being by the Speaker, and not by the House. The Lord Chief Justice replying, That the Commitment was in pursuance of the Order of the House; Mr Page subjoin'd, that then it should be shown to be by the House, the Speaker being in the Chair, which was not mention'd in the Commitment. But this was over rul'd by the Lord Chief Justice, who said, That by the House, was to

bers or Officers: That as to the Lord Shafesbury's

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be understood the whole House sitting, with the Speaker in the Chair. Mr Montague continued the sale Mrs sale of Same Objection to the Commitment, adding, that it Montague did not appear, that the Prisoners were any ways gue.

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1704.

Cafe he was a Member; that he agreed every Court must, and have Power to keep order among them. selves, but that to take a Man out of the House, who was not of the House, nor guilty of any Breach of Privilege, for ought appear'd, by a Return, knew no Law for it; that the Case affign'd, was because the Prisoners had been guilty of bringing and presenting an Action, which he did not take to be a Crime by any known Law; that in the Case of the Constable of Ayles. bury, there was a Judgement at Law judicially given, which could not be got over, until fome Act of Parlia. ment interpos'd, and the Law being to, that a Man might bring his Action, he did not know what Crime a Man could be guilty of that used this Law; that the Words of this Commitment went further, that bring. ing this Action, is contrary to the Declaration, in high contempt of the Jurisdiction, and in Breach of the known Privileges; that they know not what this Word Declaration means, neither did they underfrand what that Breach of the Jurisdiction was; that as to the Words, against the known Privileges of the House, he was at loss what Action is against the Privilege of the House, because they can have no Privilege against Law, and he was sure it was not against Law to bring any Action. Then he took notice, that the Commitment was during Pleasure, adding, that he had known Persons committed per Mandatum Domini Regii Bail'd, and therefore by stronger reason ought they to be Bail'd, if committed by the House of

Mr. Lech- Then Mr. Lechmere spoke as follows.

I am also of Counsel with the Prisoners before you,

Reasons for and humbly apprehend they ought to be discharg'd.

The Gentlemen that have spoke before me, made several exceptions to the Return, I shall not take upon me to inforce what they have said, it will have its weight with your Lordship. But shall consider the

Commitment it self.

These Facts are necessary in the first place to be taken

notice of.

Commons.

That the Persons Committed, nor the Party against whom the Action was brought, are not Members, nor have the Privileges of Members of the House of Commons. That the Cause of this Commitment was not any Matter depending in the House, but on the contrary, it appears in the Warrant of Commitment, that,

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Queen ANNE's Reign.

it is a Matter depending in a Court of Law in a Legal A. C. way, 'tis for bringing an Action at Common Law, Go. 1704.

This is the ground of the Commitment, Specially set forth

in the Warrant itself.

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I lay it down as a position, That by the known Laws of the Land, an Action on the Case doth lye for an Elector against the Officer that refuses his Vote at an Election to serve in Parliament. My Authority for this is, the Resolution of the House of Peers in the Case of Ashby and White; I have the Report in my Hand, Printed by the Authority of the House of Lords, and I beg leave to Read to you the first Resolution.

Thus the House of Peers, the highest Judicature in England, in the Regular Exercise of their Judicature upon a Writ of Error out of this Court, have declared

the Law to be, that an Action doth lye-

This Judgment is remitted hither, and remains upon Record; this Court hath fince awarded Execution upon that Judgment, and so far this Supream Court at length concurs with the House of Peers, in

this great and fundamental Point.

This very consideration reduces the Question to a single Point, whether the pursuing that in a Legal Course, which is thus declared and recogniz'd to be the Law, can be a Cause to imprison the Party that does so; is there any Power in England, besides that of the Queen, Lords and Commons (and that Supream Power never will) deprive the Subject of his Liberty, for the making use of his Remedy at Law, to assert and recover what the Law has adjudged to him?

In the next place I shall offer it as a consideration to you, the nature of that Right and Interest, which is not only affected, but prejudg'd by this Commitment.

The Right of the Elector to chuse a Member to represent him in Parliament, is his Inheritance and Franchise.

I fay this on the same great Authority.

This is declared by two feveral Acts of Parliament, the one 34 and 35. H. 8. C. 13. the other the 25. Car. 2. C. 9. the first whereof, saith, That to be excluded the Liberty of sending Burgesses, is a damage to Lands, Body and Goods; the other, that it is a Liberty and Privilege to send them.

These Acts are expounded by the Court of the House of Peers, and out of em, they say, that the Right of Election is a Legal Right belonging to, and inherent in the Freehold.

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These things I mention to shew, that the Declaration of the House of Commons, which is the Foundati. on of the Commitment, is touching a Franchise and Inheritance, as valuable, at least, as any Property.

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I must also lay before you Magna Charta, which I take to be directly concern'd in this Question, that fays, no Freeman is to be diffeis'd of his Freehold or Liberties, or free Customs, unless by the Lawful Judg. ment of his Peers, or by the Law of the Land.

These, my Lord, are known and great Truths, and the Basis of our Law and Government, but yet too e-

vidently affected by this Commitment.

Is it no injury to the Freemen of England, intituled to the benefit of the great Charter of their Liberties, to be Voted out of their Inheritances, which Magna Charta fays he ought not to be diffeis'd of, but by the Tryal of 12 Men on their Oaths?

I cannot refrain faying, that the Laws I have repeated are Superior to, and obligatory on either part of the Legislature, the House of Commons stands subject to Magna Charta, and the Law of the Land, and otherwise then according to that Law, it is that no

Man is to be Imprisoned.

But the Commitment goes on contrary to the Declaration, &c. Admit that, the House of Commons had Voted, that an Action did not lye, this Declaration of theirs has not repeal'd Magna Charta, &c. nor are the People of England precluded from faying fo, and to this Declaration of the House of Commons, I oppose the Law, I mean the Judicial Declaration of

the House of Peers, that it doth lye.

In contempt of the High Jurisdiction, but the judgment of Law is, that this Case is proper for the Queen's Courts, and that matters of Freehold, and all Rights depending thereon are Originally and Primarily determinable there, admitting then, That the House of Commons had a Jurildiction of the matter of this Commitment, it can be no Contempt to that Jurisdiction, to proceed on the same matter in another Court that has Jurisdiction also; but the Lords say, and I must take the Law to be, that there is no other Court or Jurisdiction appointed by the Laws of England, for determining this Right, but the Courts of Westminster Hall; if this be the Law, is it not absurd, to say, that 'tis a Contempt to a Court that has no Jurisdiction of a matter, to proceed regularly on that matter, in a Court that

has, to say this, is to admit the House of Commons A. C. not to have Jurisdiction; but yet to say, they have 1074.

an uncontrolable one.

The last thing in the Warrant is, contrary to the known Privileges of this House; the Privileges of either House, are indeed known Privileges, not to be Created by a Vote, but must be Antecedent to it; but there can be no known Privileges of either House against or above Magna Charta, and the Law, and whenever a single Declaration of either House of Parliament, of a matter to be a known Privilege, comes in Competition with the known Laws of the Land, I humbly conceive the latter must prevail.

The Lords say, to pretend it to be a Breach of Privilege of the House of Commons for an Elector rouse his Remedy at Law, if he be wrongfully Excluded his Vote, is very strange; That certainly can ne'er be Esteem'd a Privilege of Parliament that is incom-

patible with the Rights of the People.

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Having thus shortly animadverted upon the Commitment, nothing remains, but to consider how it stands before you in Judgment: 'Tis on a Return to an Habeas Corpus, whereby this Court is now possess'd both of the Persons Committed, and the Cause of their Commitment.

My Lord Coke says, every continuance of an Imprisonment, is a new Imprisonment. The House of Commons have Committed, and the Cause appears, you have taken them into your Custody, and if you remand 'em on the Warrant return'd, I take the Liberty to say, that you Commit them for the same Cause.

This Court is the Supream Oyer, intrusted with the Execution of the Law, in what respect things of the highest Nature, the Lives and Liberties of the People of England, and no consideration can take place here, but this Court must declare the Law in every

Instance that's brought before them.

The Writ of Habeas Corpus is her Majesty's Writ, and of the highest Nature, and by this Writ her Majesty is now making inquisition concerning the Liberty of her Subjects, and matters of Imprisonment come as properly in Judgment, on a Return to an Habeas Corpus, as in an Action, or on an Indiament.

Doubtless then, the Houses of Parliament are Judges of their own Privileges, and 'tis as plain, that

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A. C. the Courts of Westminster-Hall, are Judges of 'em too, when they come regularly before them, and are not concluded by what either House shall determine in the same matter.

In Sir George Bynion's Case, 'twas adjudg'd by the Court of Common Pleas, that the Filing an Original against a Member of the House of Commons, even sitting the House, was no Breach of Privilege of Parliament.

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A Writ of Error in Parliament, if a Term intervene after the Teste, and before the Return, hath been adjudg'd to be no Supersedeas of Execution.

In the Case of the Earl of Denby, upon a Return to an Habeas Corpus, the Court of the B. R. determined what duration a Commitment by Parliament should have.

In the Case of Ashby and White, the great Objection was, That it was a Matter relating to Parliaments, and ought to be determined by the Law and Customs of Parliament, and for that Reason is not Cognizable in the Queen's Courts: But the Law is declar'd to be; That the Courts of Westminster Hall have, and no other Jurisdiction hath the Conusance of this Question.

The Lord Banbury's Case is a great Authority in this Matter, it was Trin. 6. Gul. and Mar. B. R.

He was Indicted by the Name of Cha. Knowles, for Murder, he Pleaded his Patent of the Earldom of Banbury, and that it descended on him, and because he was not named Earl of Banbury in the Indictment, he prays Judgment, if he should answer the Indictment; The Attorney General reply'd:

That on the 13th of Dec. 4. Guli. & Mar. the Defendant did exhibit a Petition to the Lords in Parliament Assembled, alledging there, That he was a Peer, and desiring he might be Tried by his Peers, and that hereupon Processum fuit Secundum Legem & Consuetudinem Parliamenti, and Resolv'd, Consider'd and Order'd by the Lords in Parliament, that he had no Hereditary Right of Peerage. To which the Defendant demurr'd. This Court did adjudge, That the Order of the House of Peers was no Judgment of Parliament, that it was an original Cause wherein they had no Jurisdiction, that the Lords have a Jurisdiction over their Members, in relation to their sitting in Parliament; but not over the Estates of their Members, or their Inheritances or Honours, which are to

A. C.

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be determin'd by the Law of the Land, the Birthright of every Englishman. In that Case the Attorney General averr'd, that the Order of the House of Peers was made Secundum Legem & Consuetudinem Parliamenti, but it did not avail to exclude this Court of Jurisdiction.

Lex Parliamenti, especially touching matters out of Parliament, is part of the Law of the Land; if it were a peculiar Law, yet if a Question concerning it doth arise in a Cause, of which the Queen's-Bench hath proper Conusance, this Court may adjudge of it, as the Spiritual Courts do of Temporal Judgments, Patents, Deeds, &c.

There can be no Law or Custom of Parliament,

but what is grounded on Precedents.

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Is there any Precedent in Parliament, that Mens Inheritances, which ought to be try'd according to Magna Charta, should be otherwise determin'd Secundem Legem & Consuetudinem Parliamenti?

Is there any Precedent in Parliament, that Men

may be Imprisoned contrary to Magna Charta?

Or any Precedent in Parliament, that what the Courts of Law in one Sessions have solemnly declared to be the Law: An House of Commons the next Sessions Imprison'd the Man that acted accordingly; and express'd this to be the Cause of his Commitment? If those who support this Commitment, will shew such a Precedent as this in the Rolls of Parliament, I'll undertake it shall appear to you on the same Roll, that an Habeas Corpus was granted by this Court, and that this Court discharg'd the Prisoner.

The Privileges of either House of Parliament are the peculiar Rights of each Body, essential to, and even part of their Constitution: Like the Prerogatives of the Crown. They are Powers to do good only, and not to hurt; and no Man can say that either House of Parliament can give it self any new Privileges, any more than it can abolish its old Ones; or than the Crown, without Consent of Parliament, can create to it self new Prerogatives. They are equally part of the English Constitution, and wherein the People of

England are immediately Interested.

But the just and ancient Privileges of Parliament every English-man has, and ought to have the greatest Regard to, and so far the Declarations of the H—se concerning em have an effect, and ought to influence.

and

A. C. and this forces me to fay, that to Contend for a power in either part of our Legislature, which is not war. ranted by our Constitution, is the greatest Blemish and Dishonour to it, and they are the worst Advocates for an English H-se of Commons, who, under the Specious Name of Privilege, would exalt it into a state not only of Independance, but Superiority to the whole Legillature.

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To conclude, in speaking for the Prisoners, I'm ar. guing for the Soveraignty of the Law, for in England there is no Power above the Law, none, but the Power that makes it: I mean the Power of Queen,

Lords and Commons.

He that Transgresses the Law Criminally, forseits his Freedom: It becomes a Pledge to the Publick, till the Law is satisfy'd; but he that obeys the Law, he that pursues and acts conformably to the Law, is intitul'd to its Protection, be the Consequence what it will. And therefore, so long as Magna Charta continues, and this does remain a Court, and especially fo long as your Lordship presides here, whoever feels the attempts of an Irregular Power on any part of his Property, and feeks Relief here, is fure to find it, and no regard to the greatness of any Body, can cause any variation from the steadiness of your Lordthip's Justice. For these Reasons I pray they may be discharg'd.

And Mr. Denton's

Mr. Denton excepted to the Return of the Commirment, alledging first, that the Warrant did not sufficiently describe the Crime; 2dly, That it did not appear, that the Party Committed had notice of the Vote or Declaration of the House of Commons, for every Man is not bound to take notice of a Vote, because it is but a Temporary Thing; 3dly, That it not appearing by this Return, that the Priloner was a Commoner, he might notwithstanding any thing that appear'd to the contrary be a Lord, and then it mult be agreed the Commons had no Jurisdiction: That it it had been a general Commitment, without shewing the Offence particularly, and faid, for a Breach of Privilege only, perhaps it had been a good Commitment; but here the Cause was set forth, and it appeared by the Judgment of the Lords, in the Case of Ashby and White, that was no cause at all of Commitment; that Bailing the Prisoners in this Court, did not meddle with

the Privileges of the House of Commons, because, if A. C. Bail'd, yet they are answerable to the House, and are Prisoners in Castodia Legis; that indeed Justices of the Peace can commit for a Riot without Bail, but this Power arifes from an express Act of Parliament for that purpose; that the Queen her self cannot commit. to as to bind the Power of the Law; but this Court. can in furch Cafes, and always have upon good Caufe shewn, Bail'd, norwithstanding such Commitments; concluding upon the whole for the Release of the Prisoners. The Council having done Pleading, the ludges proceeded to give their respective Opinions, and the youngest 3 G, declared, he thought the Prisoners ought to be remanded, alledging, that G. it was the first Habeas Corpus of the kind that ever Opinion. was brought; That if this Return, now before the Court, had been of an Habeas Corpus from an Inferior Court, it had been a bad Return, but that the House of Commons was Superior, and could not be bound by the forms of Westminster Hall, having peculiar Laws and Cultoms; that when the Earl of Northumberland Petition'd the King, where the Question was, whether the Power that he had raifed was Treason, which Petition was order'd to be deliver'd to the Justices to be confider'd: the Lords made Protestation, that the Order thereof belong'd to them. and they resolv'd it not to be Treason; That here was a Parallel Case, the House of Commons had declar'd the Prisoners guilty of a Contempt, and how could this Court contradict what had been determin'd by them, who are part of our Legislature, and cannot be supposed to break their Trust? 3-P—was of the same Opinion, as to the Remand-F ing of the Prisoners; saying, that this Case is not P like that of the Lord Shaftsbury; That as to the Ob- Opinion. jection made by the Council, that the Persons were not Members, he answered, that most Commitments by the House of Commons, were of other Persons. not Members: As for Arresting a Member, sitting the House, &c. otherwise they could not vindicate the Breach of their Privileges. As to what was objected, That this Commitment was during Pleasure, he reply'd, That it was more beneficial to have Commitments fo, that Perfons to Committed might, in the mean time, make Application and Submit; and that the Commitments

mitments of the House of Commons, were like the Commitments of this Court upon Contempts, which always were understood not to be for any certain Time, and therefore during Pleasure. That it was likewise objected at the Bar, that the Commitment was for bringing an Action; to which he answered, That Priviledge does stop the Law, and so it is in all Actions brought against any Servants of Members fitting the House. And as to the Case of Ashby and White, he did not think it to be the same with this Cafe bere. That he saw but two Things in this Argument of substance, first, 'If this Court being a high Court, and the highest of all Interior Courts, can discharge any Person committed per Mandatum Domine Regine, surely then it may discharge one com. mitted by the House of Commons: To which he answer'd, That he took this to be a Fallacy, because the King is to act by his Ministry, and by his Courts. and not by his Absolute Will; that according to the Lord Coke, tho' the King be presum'd to be present in this Court, yet he doth act by his Judges here, otherwise he might be both a Judge and Party. As to the Objection, Whether the Commons should, by a Declaration, direct who should not be Sued; that we must suppose they have general Jurisdiction of Privileges, and Contempts, and Rights, as well as other Courts, that this Commitment was not for a Tryal, but as upon an Adjudication, and as a Punishment: That when they came to a Point of Jurisdiction, they must consider it by Usage; that it is next to impossible for the Courts of Westminster Hall, to judge of the Privileges of the House of Commons, who have not Access to their Rolls, where only Privileges of that House are to be seen, and therefore it was very unreasonable to put Judges upon the Enquiry: That if this Court had a Jurisdiction over the Commitments of the House of Commons, they should have it also over those of the Lords, concluding, That they were a great Court, but that their Anceltors, or They, never yet knew it so great as this would make it. J—P—having delivered his Opinion, J—P—concurred in it, alledging, he could not think they could be Judges of this Return, because the Prisoners were committed by another Law than this Court proceeded by, and that to com-

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mit by one Law, and discharge by another, would A. C. introduce disorder; that as the Ecclesiastical, Ad- 1703. miralty and Martial Courts, and the House of Peers, proceed by their own Rules, so the House of Commons proceed by their Rules, this Court can meddle with their Priveleges in some Cases, but not so as to contradict or oppose them, and that he did not know how the House of Commons could have a Power of ludging, and not of Punishing. That this Court can correct Excesses of all inferiour Courts, but not of the Parliament, which is superior; that suppose the Lords would intermeddle with Free holds, tho' perhaps they are not less valuable than our Privileges, yet this Court could not prohibit them: That he believ'd it as cultomary to make Commitments during Pleasure, as otherwise, that if we had a long Parliament as formerly, then perhaps it would have been hard; that Bondage was fo much lost in England, that he believed the Council had almost forgot how to apply that Argument; that he did not know how excess of Jurisdiction in either House can be good; if it happens, it must be determin'd by Conference between themselves; that if it should be suppos'd both should insist, and the Commons should do any thing unreasonable, sure then the People of England would not chuse them again; and if the Lords would infift upon unreasonable Privileges, then the People of England, he believ'd, would find out a way to chuse fuch a House, or use such Methods, as would rectify and oblige to a Submission. These three having declared their Sentiments, the L-Ch-J-H- the Ldelivered his Opinion, that the Priloners ought to c- 3-· I am sensible, added he, of the great stice Hbe discharg'd. Disadvantage I lye under, because eleven of the Opinion. 'Judges are against my Opinion. The Case being of Moment and Concern, I did defire to confer with 'them, before I deliver'd my Thoughts; and 'tis a 'fecond Disadvantage that I have so great an Esteem for their Sentiments, that I would willingly refign my Opinion to theirs; but then I lye under another, which is to encounter an Opinion and Judgment of the House of Lords. I must contess, the Commons of England are entrusted with, and are very Zealous for our Liberties, and therefore I

would think it a Misfortune to lye under their dif-

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pleafure. Yet there is another thing which lies upon me, which, at all Events, I am to take care of and that is a good Conscience: I am upon my Oath to judge impartially and justly. I do not think this fuch an Imprisonment, that the Freemen and Sub. jects of England are to be bound by, and it will aftect all the Kingdom, if by any Declaration or Pro. hibition made by the House of Commons, they are restrain'd from bringinga Lawful Action. Neither of the Houses of Parliament, separately or jointly have any Power to dispose of the Liberty or Property of the Subject; It must be with the Queen added. This is the Constitution of the English Go. vernment. 'It is faid in the Return, that the Prifoners are guilty of a Breach for bringing an Action. I must therefore declare my Opinion, that commencing a Suit, is no Breach of Privilege, tho' it be against a Member himself, so he be not affected in his Person or Lands. The second Crime mention'd in the Commitment and the Return, is Profecuting; what is meant thereby, feems not to be so clear, because Prosecuting may betaken several ways, as entring of a Continuance, which cannot be said to be any Breach of Privilege; the Person of the Member, or his Estate, not being disturb'd thereby. Indeed, if you distrain the Person of a Member, or do any Act to restrain his Liberty, then it is a Breach, and Punishable by the House. Again, the House of Commons should have shewn, that they have a Privilege. For if the High Confable of England should not shew his Authority, we should not take more notice of him, than of the Constable of St. Martin's. The Law of the Land must take place. A Man may legally Commence and Profecute an Action against a Man that is not Privileged, tho' Vexatious or Wrong, as appears by 2do Ric. 3ij. 9. where all the Judges were of Opi-'nion, that there was no Punishment for bringing an Action, tho' Wrong. If an Action is Sued and Prosecuted against a Peer, no Action de Scandalis Magnatum will lye, if there was any probable Caule of Action. I do not think that any Instance can be thewn, that ever Privilege did extend to far, as to exclude or debar any Man from bringing any Action, but especially where there is a just Cause. This Cale has

has undergone a great and high Judgment above, A. C. upon the Queen's Writ of Error. My Brothers Powis fays, that he does not know, that this is the fame Case with that of Ashby and White; but if he will look upon the Return, he will be foon fatisfied that it is. Another part of the Return fays, that the Profecution was, contrary to the Declaration, and in Breach, &c. I do not well know what is meant by a Profecution contrary to a Declaration; but 'suppose there was a Declaration, I much question 'if that Declaration will make that a Breach of Privilege, which was not fo before. There is no 'Precedent for it; and if any Man can bring such a Precedent, it will go a great way with me. 'lege is not unlimited, but is established by the Rules of Law. If a Member break the Peace, he must find Sureties, or if he commit High Treason or Felony, fitting the Houle, he must Answer. the Declaration does claim a Privilege, and fays, it is so, yet if it was not so before, the People of England are not estopp'd to fay, it is not so, for neither the one House, nor the other, can enlarge their They concern the Liberties of the Peo-Privileges. ple in a high Degree, and nothing but an Act of Parliament can make a Man's Person Subject to 'Imprisonment, but where originally he was to Subject. The Reason why Judges do not give their Opinions to the Lords about their Privileges, is because it is Lex Parliamenti, and the Lords themselves being always there, are presum'd to know their Privileges best themselves; but whenever the Question is about Privilege in Westminster Hall, we must judge of it according as it appears to us, and according to the Law of the Land. Suppose in this Case the House of Commons had not interposed, the Plantiffs had gone on, and the De-· fendants had pleaded the whole matter of the Privilege specially, and Plantiff had demurred; then should have judged of it, because it would have been a Plea to the Jurisdiction of the Court. All appears upon Record now before the Court, and therefore we are to judge of it, as much as if it had been pleaded. The Parliament Law of Privielege is Lex Terra, as much as any Law used in Westminster Hall, and my Lord Clarendon gives us

1704. Rushworth's

an Account of Privilege in the first Volume of his History, Page 310, 311, 312. If it was Privilege of the House before, then how comes it that Ashby was not committed, who was the Ringleader, but is 'ftill at Liberty? Another Observation upon this. Collections ' Return is, that they do not fay for a Breach, but in 3 Vol. 438. Breach, neither do I see how bringing an Action at

725, 730. Law in one Court, is in contempt of another Court. This Court here can hold Plea in any Action whatsoever; the House above cannot award Process there, and then I cannot see how a Man Suing here, can be guilty thereby of a Breach of the Privileges of that Court. These Words are terrible. and would affrighten Men, when said in contempt of the Privileges of the House of Commons, because

every Man is bound to maintain them in their Law. ful Privileges. No doubt but they can commit in any case of Privilege, or for a Contempt committed in their Court, but when the Fact is mentioned. and the Cause is a just Cause of Action at Law, no doubt but the proceeding in such Action is just, and

no Contempt, such an Action being grounded on the Common Law. As to my Lord Shafesbury's Case, it was for Facts being done in the House, and

the House may at any time commit a Man for a Contempt in the face of the House, whereas the Prisoners are committed, not for a Breach of Privi-

lege or Contempt, but because they have brought their Actions which are legal, and so adjudg'd by

the Lords in the Writ of Error. To conclude, the case of the Lord Banbury is considerable with me.

"He Petition'd the House of Lords to fit, and also to have the King's leave. The Lords determined he was not a Lord, yet when he was brought upon an

Indicament by the name of Charles Knowles, Efq; he here Pleaded, and Infifted that he was a Peer, which Plea was allow'd, and he was not Try'd. Tho' the

- C---- J---- judgment was to clear, fo folid, and fo convincing, yet the other three Judges manded to being of a contrary opinion, the Majority prevail'd, Newgate. and so the Prisoners were remanded to Newgate.

This Affair making a great Noise, and the Heroical Resolution of the Lord Chief Justice being no less generally Applauded, than his Integrity, Penetration and Learning univerfally acknowledg'd, the

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* Feb. 24.

Commons took great Offence at the bringing those Writs of Habeas Corpus. Bur what incens'd them yet more, was the Behaviour of John Pary, and John Quiat, two of the Prisoners, who thinking themselves wrong'd in their being remanded to Newgate, humbly petition'd the Queen for a Writ of Error, in order to bring the Judgment of the Court of Queen's Benche before her Majesty in Parliament. The Commons were no fooner inform'd of these Petitions, than they * made the following Votes.

Refolved. That an humble Address be presented to her Ma- Votes of the iesty, humbly to lay before her Majesty the un- Commons. doubted Right and Privilege of the Commons of relating to England, in Parliament Affembled, to commit for the Affairs. Breach of Privilege; and that the Commitments of this House are not Examinable in any other Court whatfoever: And that no fuch Writ of Error was ever brought, nor doth any Writ of Error lie in this Case. And that as this House hath expressed their Duty to her Majesty, in giving Dispatch to all the Supplies, fo they have an entire Confidence in her Majesty's Goodness and Justice, That She will not give leave for the bringing any Writ of Error in this Cale, which will tend to the Overthrowing the Undoubted Rights and Privileges of the Commons of England.

Ordered.

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That the faid Address be presented to her Majesty by fuch Members of this House, as are of her Maielty's most Honourable Privy Council.

Resolved,

'That whoever has Aberted, Promoted, Counténanced, or Assisted the Prosecution of the several Writs of Habeas Corpus brought for the Prisoners committed by this House, and lince their being remanded, have endeavoured the procuring Writs of Error, are guilty of Conspiring to make a Difference between the Lords and Commons in Parliament Affembled, are Disturbers of the Peace of the Kingdom, and have endeavour'd, as far as in them lay, to overthrow the Rights and Privileges of the Commons of England in Parliament Assembled. Ordered.

That a Committee be appointed to examine what · Persons

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A. C. Persons have been concerned in Solliciting, Profe. 1704 cuting, or Pleading upon the Writs of Habeas Cor. 'committed to Newgate, for Breach of the Privilege of this House; or what other Persons have Promo. ted or Abetted the same.

An Address having been presented to the Queen, pursuant to the first of these Resolutions, her Majesty

† Feb. 26. Was pleased to † return the following Answer.

The Queen's CHER Majesty is much troubled to find the House Answer to Commons of Opinion, That Her granting the Com- the Writs of Error, mention'd in their Address, is mons At- ' against their Privileges, of which Her Majesty will dr.fs, co.- always be as tender, as of Her Own Prerogative; cerning the And therefore the House of Commons may depend Writs of Her Majesty will not do any thing to give them any Error. 'just Occasion of Complaint: But this matter relating to the course of Judicial Proceedings, being of the Highest Importance. Her Majesty thinks it necessa. ry to weigh and confider very Carefully, what may be proper for Her to do in a Thing of fo great Concern.

The same day her Majesty's Answer was reported Votes of the Commons by Mr. Secretary Hedges, the Commons proceeded to against the carry on their Resentments to greater Extremities, Council for and having continued fitting till the Evening, they the Ailes- Voted, 'That Mr. Francis Page, Mr. James Montague, Mr Nicholas Lechmore, and Mr. Alexander Denreb. 26. ton, in Pleading upon the Return of the Habeut * Corpus, on behalf of the five Prisoners Committed by this House, were Guilty of a Breach of Privilege, and ordered them to be taken into Custody of the Serjeant at Arms attending the House. And, tho' they had refolv'd before, take Her Majesty's Anfwer into Consideration, yet being apprehensive left Her Majesty should grant the Writs of Error, whereby the five Ailesbury Men might be discharg'd from their Imprisonment, they order'd them to be remov'd from Newgate, and taken into the Custody of their bury Men Serjeant at Arms, which Order was executed at Midnight, with such Circumstances of Severity and 1 21:07) d 'Terror, as have been seldom exercised towards the f om New- greatest Offenders.

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The Lords were fo follicitous to avoid any A. C. thing which might give a pretence to interrupt the 170%. necessary and early Provision for the War, in order to improve the wonderful Successes God had gi- see the ven to Her Majelty's Arms, that tho' they were Lords Adsensible of the Imprisonment of these Men, in the day is to the manner, and upon the Pretence above-mention'd, Queen awas a manifelt Attempt to elude the Judicature of bout the Parliament, and of pernicious Example to the Li-matter. berty and Property of the Subject; yet they forbore to take notice of it, till they were, in a manner, enforced by Petitions from the Prisoners, presented the 24th of February, and by the unjustifiable Proceedings of the House of Commons the same day. But then the Lords found it absolutely neceffary to enter into a Confideration of the whole Matter, as it appeared to Them, and upon the 27th of February, they came to the following Refolutions.

1. That neither House of Parliament has any Power, by any Vote or Declaration, to create to themselves any new Privilege, that is not Warranted by the known Laws and Customs of Parliament.

2. That every Freeman of England, who apprehends himself to be Injured, has a Right to feek Redress by Action at Law, and that the Commencing and Prosecuting an Action at Common Law against any Person (not entitled to Privilege of Parliament) is no Breach of the Privilege of Parliament.

2. That the House of Commons in Committing to Newgate Daniel Horne, Henry Bass, and John Paron Jun. John Paty and John Oviat, for Commencing and Profecuting an Action at Common Law against the Constables of Aylesbury, for not all a their Votes in Election of Members to ferve in Parls one, upon Pretence that their lo doing was contrary to a Declaration, a Contempt of the Jurisdiction, and a Breach of the Privilege of that House, have Assumed to themselves alone a Legislative Authority, by pretending to Attribute the Force of a Law to their Declaration, have Claimed a Jurisdiction not Warranted by the Constitution, and have Assumed a new Privilege, to which they can shew no Title by the Laws and Customs of Parliament, and have thereby, as far as in them lies, Subjected the Rights of Englishmen, and the

A. C. Freedom of their Persons, to the Arbitrary Votes of the

House of Commons.

4. That every Englishman, who is imprisoned by any Aurbority what oever, has an Undoubted Right, by his Agents or Friends to apply for, and obtain a Writ of Ha. beas Corpus, in order to Procure his Liberty, by due Course

5. That for the House of Commons to Censure or Punish any Person, for affifting a Prisoner to procure a Writ of Habeas Corpus, or by Vote or othermife, to deter Men from Solliciting, Profecuting or Pleading upon Such Writ of Habeus Corpus in behalf of such Prisoner, is an At. tempt of Dangerous Consequence, a Breach of the many good Statutes provided for the Liberty of the Subject, and of Pernicious Example, by denying the necessary Assistance to the Prisoner, upon a Commitment of the House of Commons, which has ever been allowed upon all Commitment by any Authority what oever.

6. Resolved, That a Writ of Error, is not a Writ of Grace, but of Right; and ought not to be denied to the Subject when duly applied for, (tho' at the request of either House of Parliament) the denial thereof being an Obstruction of Justice, contrary to Magna Charta.

These Resolutions were deliver'd to the Commons Conferences at a Conference the 28th of February, and they took between both Houses time to consider of them till the 7th of March, upon about that which Day, at their defire, a second Conference was had. What was deliver'd by the Commons at that Conference, confifted chiefly of Injurious Invectives and Expostulations against the House of Lords, about their Proceedings in this matter, and tedious Recitals of Precedents, in no fort applicable to the present Subject of Debate. But tho' it feem'd apparent, that the design of the Common was either to provoke the Lords to such a Degree, as might necessiate them to break off all manner of Correspondence, or, by engaging Them in new Matters, to draw Things to fuch a length, as might prevent the Bringing these Account of Debates to any Issue, during this Session; yet the

Lords immediately defired a Free Conference, which Conference, was had with the Commons the 9th of March, and March 9. of which their Lordships published the following Ac-

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THE House of Commons made two Objections to the Manner in which the Lords proceeded the first Conference: They faid, They had Anticipated all Debates by delivering politive Resolutions, whereas this is the proper and ordinary Methad of Proceedings between the two Houses: When one House has form'd an Opinion, they Communicate it to the other, to the End that if it be found reasonable it may be approved; or if upon Examination it be difliked, the Causes of the Difagreement may be shewn, in order to Convince the other House of their Mistake. The second Objection made to the manner of the Lords Proceedings was. That the Resolutions were grounded upon the Petitions of Criminals, who had fallen under the just Displeasure of the Commons, and upon a printed Paper not regularly before the House of Lords. As to the first Part of the Objection, the Lords did (as just Judges always do) consider the matter of the Petitions, and not the Persons of the Petitioners. And as to the second Part, the Lords faid, The printed Paper, mention'd by the Commons, was the Votes of the House of Commons, of the 24th of February, Signed by the Speaker, If the Commons had disown'd that Paper, there had been some weight in this Objection, but if they think it regular to Print and Publish their Votes to the People, the Lords will always think it regular to take notice, and make use of those Papers, as they fee occasion; and it seemed strange for the Commons to object to the taking notice of their Votes, when the only Colour they have hitherto pretended for their first Displeasure at the five Prifoners was. That they did not take notice of some Votes of theirs (which they call their Declaration) made during their last Session: And the printing their Votes is the only method they have yet taken, for the Promulgation of the new Laws they take upon them to make: The Lords had no occasion to fay any thing in defence of their first Resolution, because the Commons did nor think to Avow in Words, that they had a Power to create new Privileges by their Votes, tho' they have manifelly attempted it in Practice, and particularly in the case which

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A. C. which the Commons made upon the House of 1704 Lords, as ff they had entertain'd Original Causes. and were Guilty of some Encroachment in Hearing Appeals from Courts of Equity. The Lords Avow. ed their Claim of a Jurisdiction, in Hearing and Determining Appeals from Courts of Equity, and could shew a continued Exercise of it more Ancient than the Determination of Elections in the House of * Commons, which yet the Lords do not go about to call in Question; but they deny their having meddled with any original Causes, or that the Case particularly mentioned by the Commons, was at all of that Nature. The Lords did not understand what the * Commons meant, by faying, The Lords had foun. ded their second Resolution upon an Extrajudicial Vote. The Judgment in the Case of Ashby and "White, was given with great Deliberation, and founded upon undeniable Reasons, and unquestionable Authorities: And the Lords condescended to far in that Matter, as to direct the State of that * Case, and the Grounds of that Judgment to be drawn up and printed. The fecond Resolution of the Lords consists of two Affertions : First, That every Man who apprehends himself to be Injur'd, has a Right to feek Redress by Action at Law. Secondly, 'That the Profecuting Actions at the Common-Law, against any Person, not entitled to Privilege of Parliament, is no Breach of Privilege. What the Commons objected to the Universality of the first Part of that Resolution, as if it would destroy * all Diffinctions of Courts, and make a Confusion of Iurisdictions, did arise only upon a plain Mistake. 'The Lords mentioned Actions in general, without confining what they faid to Actions at Common-Law, or affirming that Actions for all forts of Injuries, may be brought in any one Court. As to the Infinuation, that the Lords had no other Aim than to extend their own Jurisdiction, by the seeming Regard and Tenderness they shew'd for the Rights 'and Liberties of the People; The Answer is, The only just way of Interpreting Men's meaning, is, by oblerving what they Act. The Lords have Acted with true Regard to Liberty and Property on this Occasion, as well as in all others: They have Voluntarily of

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'luntarily own'd themselves to be restrain'd, at the A fame time they delire the Commons not to go about to Create New Privileges: The Lords claim'd no. thing New, and the Commons cannot with Reason defire them to give up what the Law and the Con-'fitution have placed in them, the Judicature in the flast Refort. The Principal thing infilted upon by the House of Commons against this Resolution. was, That there are Privileged Cales, as well as Privi-"leged Persons, but they did not think fit to give any Instances of such Privileged Cases, as were any ways applicable to the Matters, in Dispute, that is, that were so entirely of the Cognisance of the House of Commons, that the bringing an Action at Com-'mon Law in those Cases, was a Contempt to the · House of Commons, and unless that could be done this Diftinction of Privileged Cases from Privi-'leged Persons, will have no Weight to justify the 'Commitment of the Five Ailesbury Men: If Men mistake, and bring Actions in Westminster-Hall, for 'matters cognizable in Parliament, so that they can have no Relief in the Courts below, it does not fol-'low from thence, that they ought to be committed for Breach of Privilege on that Account. The Determining of Elections is admitted to be the Business of the House of Commons, and yet it is certain, ' that the Profecuting Actions at Common Law for 'False or Double Returns, was never thought to be 'a Contempt to the House of Commons, nor was a-'ny Body Punished or Committed upon that Account, 'in the Cases of Sir Samuel Barner difton and Mr. Onflow. The Freedom of Speech in Parliament is the molt necessary, and the most acknowledged Privilege of the House of Commons. And yet when an 'Information was brought in the King's Bench against 'Sir John Elliot and others, for Words spoken in the House of Commons, and Judgment was given against them in that Court; the Commons did not think it fufficient to condemn that Judgment by Votes of their own House, but brought those Votes up to the Lords, and defired their Concurrence; which was given; and immediately thereupon a Writ of Error was brought in Parliament, and the Judgment regularly Reversed there: And it can-P4

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nor be denied, that upon this Occasion the most va. "luable Privilege of the House of Commons was brought under the Judgment of the Lords, as well in their Judicial, as in their Legislative Capacity. The Cafe of Richard Strode, and the Act of Parliament which passed upon that Account, in the Fourth Year of King Henry the Eighth, was that which was principally infifted on by the House of Commons, in the Case of Sir John Elliot, for justifying their undoubted Privilege of Freedom of Speech, and shewing the Injustice of what was done in that Case by the Court of Kings Bench. The Case of Strode might be used by the Lords, as another Instance to thew; That this Distinction of privileged Cases will not serve the Purpole of the House of Commons, to justify the Commitments of the Ailesbury Men. He was Profecuted in the Stannary-Courts for Words spoken, and Bills offer'd in the House of Commons, in order to be passed into Laws, and upon that Account was Imprisoned and Condemned to pay considerable Sums, and Petitioned the House of Commons to be relieved in that Matter: The House of Commons did not then pretend to put a stop to those Suits, or to commit the Persons concern'd in them, but thought the only Remedy against those Profecutions, and others of like fort, was to prepare a Bill in order to be passed into a Law, for making "Void the Judgments against Serode; and took that occasion by the same Bill to declare the Law in general, and to give an Action to all Persons who thould be afterwards Vexed or Molested for the 'like Causes, in which they should recover Treble Damages and Costs of Suit. There is no Cale, that can more properly be called a Privileged Cale, with respect to the House of Peers, than the determining of Peerage, and yet if that Matter comes to be Incidently a Point, in any Cafe depending in the Courts in Westminster Hall, they must proceed to determine of it, as they think the Law to be, and the Lords have not gone about to hinder it, nor found fault with them upon that Account. The Courts in Westminster Hall must of necessity Judge of the Privileges of Parliament in many Cases: When

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When any Person prays a Writ of Privilege A. C. (which was always the way Anciently, when Men defired the benefit of Privilege, and it is often practifed yet upon Occasion) the Court where the Writ is prayed must Judge, whether the Party has Right to Privilege or not. Suppose the Serjeant of the House of Commons should kill, or be kill'd. in the Execution of a Warrant of that House, upon an Indictment for Murder, the Court must necessarily Judge of the Legality of the Warrant. Commons supposed Cases of Affronts to the Person of the Speaker, or of reproachful Words spoken of the whole House of Commons, as Instances of what they called privileged Cases. There is no doubt, but either of these Cases would be contempts, and fuch as might be punished by the House, but most certainly, these were also such Offences as might be profecuted in Westminster-Hall; And if the Attorney-General should bring Informations upon them, it could never be pretended, that he would be Guilty of a Breach of Privilege of the House of Commons. It was urged, that in Privileged Cases, the Votes of the House of Commons were like Prohibitions to Ecclefiaftical-Courts, and that when Prohibitions were ferved upon the Judges in the Admiralty, or Ecclefiaftical-Courts, it was a Contempt for them to proceed farther. The Answer to this is, that Prohibitions to the Ecclefialtical and Admiralry Courts were founded upon a particular Reason. The Proceedings in those Courts are according to the civil or canon Law, and therefore it was necessary to preserve the Constitution, and restrain those Courts from making Invalions upon the common Law, that a Guard should be set upon them, and a Power fixt to refrain them; and this Power is lodged in the Courts of Westminster. Hall, who are trusted with the Isluing Writs of Prohibition, to the Ecclefiaftical and Admiralty-Courts from time to time, upon Complaints made to them: And these Writs of Prohibition, must be served personally upon the Judge of the Admiralty, or the Ecclefiastical Judges, who will be liable to Attachments if they proceed after fluch Service, until such time as they have thewn

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A. C. the Nature of the Suit to the Courts from which the Prohibition lifued; and if the Suit be properly of Ecclesiastical, or Admiralty Conusance, the Court must Grant a Consultation whereby they are at Liberty to proceed again. This is a known and fettled method of legal Proceedings, but the Votes of the House of Commons were never yet resem. bled to the Queen's Writs: No Court is bound to take notice of them, on the contrary the ludges are bound not to take notice of them, but to act according to the known Law; no Body has Power to prohibit the Courts in Westminster-Hall, the ludges there are fworn to proceed to do Justice, notwith. standing any command under the Great Seal, or Privy Seal, or by any other Authority whatfoever: And the Subjects of England have no longer an Inheritance in the common Law, if the Judges are to take notice of the Votes of either House of Parlia. ment, and regulate their Judgments accordingly. The Votes would not always be Uniform in either House, and it appears by the present Dispute, that the two Houses might often differ in Matters of Importance, and the Judges would be under difficulty which of the Houses to obey: And if they yielded Obedience to both they would be obliged to act very contradictorily. What was faid against the third Resolution of the Lords was, First, That thereby the Lords took upon them to Judge of the Commons Privileges: To this it was faid. That if the House of Commons, under the the Name of Privilege, would proceed to do things Inconfifient with known Prerogatives of the Crown, with the known Privileges of the Lords, contrary to the Laws, or destructive to the Liberties of the People, the Lords were bound to tell them, these were not their Privileges. If by faying, they only are Judges of their own Privileges, they would deprive the Crown, and the Lords from taking notice of Manifest Innovations, and objecting to them, as there was occasion, the Commons might take to themselves the whole Government without Controul. They were challenged to produce Precedents. to warrant the Commiments of Men, only for proceeding in Suits at Law against those who had done them wrong, and had no pretence of Privi0

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lege. The Lords did not dispute the Power of A. C. the Commons, in examining and determining the Elections of their own Members, nor of enquiring finto all Matters relating to the Determination of that Question, particularly their Examining into the Qualifications of Electors, and agreed that what they determined, would be binding, as to the Right of the Member to fit in the House: But that Determination would not bind the Right of any Elector, for he was no Party to that dispute of the Election, he was not heard for himself, nor was his Cause in Agitation before the House; and the Action brought by the Elector, has no manner of relation to the fitting of the Member, but is only for Recovery of Damages upon account of the particular Injury done him by the Officer at the Election. Suppose there was a Contest about two Perfons, which was Mayor of a Town, the Court where that Cause was tried in order to a Determif nation of the Right, mult, perhaps, Examine into the Rights of those who voted; but would it be pretended, that the Electors would be bound by the Opinion of the Court in that Case, and that they could not bring their Actions to recover Damages against the Officer who wilfully refused their Votes, however, the Question was decided as to the Mayor? So that it was begging the Question to pretend, that because the House of Commons can try the Right of the Member to fit, therefore they only have a Power to decide finally the Rights of the feveral Electors. There is no weight in the Objection. That if these Suits were allowed, the

Officers who are obliged to take the Poll, would be exposed to multiplicity of Actions. The Law is 'lo in all Cases of Elections of Officers: He, who is to take the Poll, is bound to do his Duty at his 'Peril; If he acts with an honest Intention, tho' he 'should be guilty of a Mistake, he is in no Danger, for no Jury ought to find him Guilty: But if an Otficer wilfully and maliciously retules to admit those who have Right to give their Votes, every one of them may fue him in any proper Court as they fee Cause, and the more he wrongs, the more he ought to suffer. And which would be the greater Mifchief, That the Officer, who does Injustice should

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be subject to Actions, or that he should be at liber. ty to reject as many rightful Votes as he thinks fit. without being liable to make any Reparation, and which is the part a House of Commons ought to take? The Lords observ'd, that the natural Order of things feem'd to be quite inverted in this Dif. pute ; the House of Commons were taking part against the Freedom of Law, against the Liberty of Men's Persons, and against the Right of their Electors. As to the feveral Precedents infifted upon, they conclude nothing to the present Question, e. very one of them relating to the Right the House of Commons claims of determining the Elections or Returns of their Members, which they are in the quiet Possession of; and the general Expressions which are found in the Relation of those Precedents, can be understood only with respect to the Subject Matter of those Cases.

The Lords never disputed the Commons Power of Committing for Breach of Privilege, as well Persons who are not of the House of Commons, as those who are: The Question is only, Whether a Matter that has no Relation to the Sitting of any Member in Parliament, may be made a Breach of Privilege, by being call'd so in a Vote, or having that Name given to it in a Warrant of Commitment: That is, in other words, Whether they have Power to create to themselves New Privileges by their Votes; for they will never be able to prove an usage of Committing Men for resorting to Law in such cases, and it will be hard for them to convince those whom they represent, that this Arbitrary

only an interpoling to preserve the Rights and Liberries of the People of England.

The Commons did not deny the Lords fourth Resolution, otherwise than by saying, That the Application was to be made to the proper Place, and that where the Commitment is by the House of Commons, there is no place to apply to for Liberty but that House. The Lords thought this to be a Position very fatal to Liberty, for it places an Arbitrary and Absolute Power of Commitment in the House of Commons. Tyranny may be in many, as well as in a single Person: The Thirty

oppressing poor Men, is, or can be understood to be

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Tyrants of Athens carry that Name with as heavy an Imputation as any fingle Person. The Lords never faid, That every Prisoner who brings his Habeas Corpus ought to be discharged, or that there are not Cases excepted out of the Habeas Corpus Act; what they infult upon is, That a Prisoner brought before a proper Court by Habeas Corpus, where it does appear that the Matter he stands committed for is no Crime in Law, ought to be discharged by whatfoever Authority he was committed, or by whatfoever Name the Fact is called in that Courmitment. Several Precedents were mentioned by the Commons. First, The Case of one 3 ones; but it did not appear who he was, nor what his Cafe was, nor who would have taken him from the Commons, and therefore there can be no pretence to draw any Interence from such a Precedent. The Lords wondred to find any Weight laid on the · Votes palled in the Year 1675. It is well known the Kingdom was, at that time, generally grown weary of that Parliament, which had been continued above Thirteen Years, and there was a great Number in both Houses, who watched for any Advantage to make their longer continuance Impracticable. And there hapning a Queltion at that time, whether there might be a proceeding in Appeals before the House of Lords, in cases where Members of the House of Commons were Parties; this was fo managed, that in about a Month's time, Matters were grown to luch a height between the two · Houses, that all Correspondence was, in a manner, broken off between them; and they proceeded to make fuch Votes, and to do fuch Acts from day to day on either fide, as they thought would most provoke. The Commons cited fome of these Votes which were passed in their House towards the height of the Contest, and the Lords might as well have cited other Votes of the House of Lords, in Con-'tradiction to them which were altogether as high, and are at least of as much Authority as those of the House of Commons: So that it is hard to imagine, what Use there can be of citing such Precedents, which did occasion two Prorogations, one 'after the other, and must always have as bad Confequences whenever they are followed.

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The House of Commons took the same Except 'tion to the Lords Fifth Resolution, as they did to their Third; That they therein made themselves Judges of the Privileges of the House of Commons: And the Lords contented themselves with giving them the same Answer. What the House of Commons faid in respect to their censuring and punishing their Counsel, who pleaded at the Queen's Bench Bar, upon the return of the Habeas Corpus in behalf of the Prisoners, seem'd very remarkable, That it was because they were not so modelt as to 'Acquiesce in the Opinion of the Lord Keeper, and the Judges, that the Prisoners were not Bailable by the Habeas Corpus Act; and they would not have taken Notice of them, but because they would not rest satisfied, but would bring on the Cause again; where the Privileges of the House of Commons were with great Licentiousness of Speech denied and infulted in publick Court; without any hopes or prospect of Relief of the Prisoners, but in order to vent New Doctrines against the Commons. This feemed to be a kind of excuse for the committing of 'the Counsel, but it does in no fort agree with the Votes relating to this Matter, which passed in ge-' neral Terms, and may be cited for Precedents here-' after, for committing Counsel (with as good Rea-' son, as the Votes in 1675.) when these secret Mo-'tives, which induced the House of Commons in "this Case, will not appear. The Vote of the 24th of February, ordered the Committee to Examine what Persons had been concern'd in pleading upon ' the Writ of Habeas Corpus, not what was faid by 'Counsel in their Pleadings, and their Votes against the several Gentlemen of the 26th of February, are, 'That by pleading upon the Return of the Habeas "Corpus on behalf of the Prisoners, they were guilty of breaking the Privileges of the House of Com-' mons. It does not appear that there was any Complaint of what they faid, at least there was no Vote 'against them for their Words; and, indeed, if the charge against them had been for Words supposed to be spoken, it would have been a most unaccountable Hardship to have hurried them into Custody, without ever bringing them to the House to hear their Accusation, or to be heard as to what they had to fay for themselves. It does not appear that A. C. these Gentlemen were ever heard, or, indeed, were 170?. at all concerned, as to the Writs of Habeas Corpus, brought before the Lord Keeper, and the Judges in the Vacation time: But suppose they had, and suppole they were fatisfied, That as the Habeas Corpus Act was drawn, these Men might not be so clearly Bailable by the Judges in Vacation time, by virtue of these Writs which were form'd upon that Statute; and yet they might be of Opinion, That the the Prisoners had a reasonable Prospect of obtaining Relief upon Writs of Habeas Corpus brought at common Law. If they thought fo, it was not upon flight Grounds, as appear'd by the Consequence; 'for the Lord Chief Justice of the Court of Queen's-Bench, whose Learning and Judgment is well known, and as univerfally effeemed as his Integrity, was clearly of Opinion, That they were entitled to the Relief they prayed for their Clients. The 'Commons may give what hard words they please 'to these Gentlemen's appearing, to plead in behalf of the Priloners upon the Writs of Habeas Corpus; They may call it Inveteracy shown to the Commons, and a conspiring to make a Difference between the two Houses, and to disturb the Peace of the Kingdom: But after all that can be faid, the Fact will only be, That four Gentlemen, Lawyers by Profession, Rerain'd in a Case of Liberty upon a Habeas Corpus, brought by five poor Prisoners, did their Duty in their Profession; and for doing fo, were themselves Imprisoned by the House of Commons, and denied the Benefit of the Habeas Corpus Act: And this the House of Commons call'd. Doing Right to their Body. No Lawyer has suffer'd for serving his Client even against the Crown: If the learned in that Profession may safely open the Law when the Prerogatives of the Crown are in Question, it will seem very hard they should be punished for doing it in a Case of Privilege. deprive Men under restraint of Assistance of their 'Friends, exceeds the severity of any Court but that of the Inquificion, the very name of which ought to strike all Englishmen and Protestants with Horfor. The last Resolution of the Lords was not contradicted by the House of Commons, and therefore the

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the Lords took it for granted, that as it was to longer contested, but that a Writ of Error is a Writ of Right, and not of Grace; confequently, that the Commons did no longer infift upon that part of their Address, That the Queen would not give leave for a Writ of Error. As to what was faid by the Commons, That it was not material whether Writs of Error were of Grace or not, because they did not lie in the Case of the Petitioners : The Lords faid, That whether the Writs of Error could be maintained or not in point of Law, was not of the Conusance of the House of Commons, nor the " Matter in dispute between the two Houses.

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Tis not to be wonder'd that this free Conference ended without Success, when the Commons came to it with fuch a temper as appears by the Votes they made

March 8, the day * before, after they themselves had consented to the free Conference. For upon Information that their Serjeant at Arms had been ferv'd with two writs of Habeas Corpus returnable before the Lord Keeper, in behalf of Mr. Mountague, and Mr. Denton, two of the Gentlemen who had been of Counsel with the Five Prisoners, they came to these The Com- Resolutions, That no Commoner of England, commons Votes mitted by the House of Commons for Breach of

by any Writ of Habeas Corpus, made to appear in

any other Place, or before any other Judicature,

against the Privilege, or Contempt of that House, ought to be Writs of Habeas Corpus ferri'd to their Serjeant.

during that Selfion of Parliament, wherein such Person was so committed; that the Serjeant at Arms attending that House do make no Return, or yield any Obedience to the faid Writs of Habeas Corpus, and for such his Refusal, that he have the Protection of the House of Commons; and that the Lord-Keeper be acquainted with the faid Refelutions, to the end that the faid Writs of Habeas Cwpus might be superseded, as contrary to Law, and the Privilege of the House. Five days † after the Commons order'd the Report of the free Conference, which was made by Mr. Bromley, to be entred upon the Journals; Refolved, That the Proceedings of the House in Relation to the Ailesbury "Men committed by the House for Breach of Privi-'lege, and the other Proceedings of that House in

that Matter, were in Maintainance of the ancient

† March 13.

Queen ANNE's Reign.

and undoubted Rights and Privileges of the A. C. 'Commons of England; and order'd all the Pro-1704 ceedings in Relation to the Ailesbury Men, the Report of the Lords Journal, and the Report of the Conferences, and of the free Conference to be printed. The next | day the Lords attended the | March Queen with an humble Representation and Address, 14. wherein having recited the Matter of Fact relating to this Affair, they laid before her Majesty, 'That The Lords the Proceedings of the House of Commons against Representathe Ailesbury Men, were wholly new and unprece-tien and 'dented. It is the Birth-right, added they, of every Address. Englishman, who apprehends himself to be injured, to feek for Redress in your Majesties Courts of Juflice: And if there be any Power can controul this Right, and can prescribe when he shall, and when he shall not be allowed the Benefit of the Laws, he ceases to be a Freeman, and his Liberty and Property are Precarious. The Crown lays claim to no such Power; and we are fure the Law has trusted no fuch Authority with any Subjects whatfoever. If a Man miltakes his Case, in believing himself to have a good Cause of Suit when he has not, if he mistakes his Court, by applying to an Incompetent Jurisdiction, he will fail of Relief, and be liable to Costs, but to no other Punishment; He is 'not guilty of a Crime, nor is it a Contempt of the 'Court that has the proper Jurisdiction. But these 'Men were guilty of no mistake, the Point of Law was fettled by the Judgment of that Court which is allowed to be the last Resort, and this will continue to be the Law, till it be alter'd by the Legi-flative Authority. They saw their Neighbour, Matthew Ashby, quietly and unmolested reap the Fruit of the Judgment he had obtained and yet for pursuing the same Remedy, they are condemned to an Indefinite Imprisonment, during the pleafure of the House of Commons. This Method does introduce an Uncertainty and Confusion, never before known in England. The most Arbitrary Governments cannot shew more direct Instances of Partiality and Oppression. The Point of Law is Judicially Settled, and yet the House of Commons take upon them to punish Men by Imprisonment, for endeavouring to have the Benefit of what is fo EftaA. C.

Established for Law. We humbly observe to Your "Majesty, That the first thing they Alledged in the Warrant of Commitment, as to the Offence of these five Persons is, That those Actions were brought contrary to a Declaration of the House of Com. mons. It was never yet heard (when there was a ' House of Lords in being, and a King or Queen upon the Throne) that the House of Commons alone claimed a Power, by any Declaration of theirs, to 'alter the Law, or to restrain the People of England from taking the benefit of it; nor have their Declarations any fuch Authority, as to oblige Men to ' submitto them at the Peril of their Liberty. If they have fuch a Power in any Cale they may apply 'it to all Cases as they please; for when the Law is ono longer then Measure, Will and Pleasure will be 'the only Rule. The certainty of our Laws is that which makes the Chief Felicity of Englishmen; but 'if the House of Commons can alter the Laws by their Declarations, or (which is the same thing) can deprive Men of their Liberty, if they go about to take the Benefit of them, we shall have no longer Reason to boast of that part of our Constitution. 'The next thing Alledged in the Warrant is, That the Commencing and Profecution these Actions was a Contempt of the Jurisdiction of the House of · Commons. Such a Jurisdiction was never claimed by the House of Commons, till upon this Occasion, and if this Novelty of a Jurisdiction be Founded on their new Authority of Declaring, they will Stand and fall together. The House of Commons have for a long time exercised a Jurisdiction over their own Members, by Allowing and Difallowing their Elections, as they faw Cause. But they never before entertained a Notion, That they had a Jurisdiction over their Electors, to Determine (finally and exclusively of all other Courts) the particular ' Rights of those to whom they owe their Being.

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Your Majesties Royal Writ Commands, That the several Electors make choice of Persons to Represent them in Parliament, in order to Do and Consent to such Things, as should be Ordained there relating to the State and Defence of the Kingdom and the Church, for which the Parliament is called: And they Obey the Command in pro-

1704.

ceeding to choose Members for the Parliament then A. C. Summoned: but neither the Writ which requires them to choose, nor the Indenture by which the Return is made, Import any thing whereby it may be inferr'd, That the Electors put into the Power of their Representatives their several Rights of Election, to be finally Disposed of at their Pleasure. 'It was an Interest vested in them by Laws before the Election, and which the Law will preserve to them, to be exercised again in the like manner, when your Majesty shall be pleased to Call another Parliament. It was not possible for the Electors to suspect, that such a Pretence would ever be 'set up by their Representatives, when in the Course of fo many Ages, the House of Commons had never taken upon them to Try or Determine the Right of any particular Elector, unless Incidently, and only in order to Decide a Question of the Ti-'tle of some Member of their own House to lit amongst them. The Right of Election is a Legal 'Interest incident to the Freehold, or Founded upon Custom, or the Letters-Patents of Your Majesties Royal Anceltors, or upon particular Acts of Parliament, and must be Tried and Determined like other Legal Interests: And this consideration does manifeltly shew the Absurdity of pretending, That fuch Rights can be Decided by the House of Commons, where there is neither a Power of Administring an Oath, in order to discover the Truth, nor a Power of giving Damages, which is the only Reparation the Elector is capable of receiving in such a Case. Therefore, if the Electors, when they are Deprived of their Rights have no place to refort to, but the House of Commons, the Right of Election would be a Right without a Remedy, which indeed is no Right at all. And it is put into the Power of the Officers, who have the return of Members to lerve in Parliament, to reject the Votes of as many Electors as they please, without being liable to make any Reparation in Damages to the Parties: which is a Notion not very likely to preserve the Freedom and Impartiality of Elections. The third thing Alledged against these Men in

the Warrant of Commitment is, That by bringing these Actions, they have broken the Privilege of

A. C. 1701. the House of Commons. A Breach of the Privileges of Parliament is certainly a great Offence; and of all others, the Houle of Lords ought to be the last, who should go about to Lessen or Excuse it, as having a like Interest with the Commons in the Preservation of the Privileges of Parliament. But however it might feem the Interest of the Lords to be filent, while the House of Commons are setting on foot new Pretences of Privilege, because they may share in the Advantage; Yet we think it our Duty, and our Interest, to do all we can to preferve the Constitution entire, and not to sit quiet, when we fee Innovations attempted, which tend to the Diminution of the Rights of the Crown, or to the prejudice of the Subject: Because the best and furest way to preserve the Rightful Privileges of Parliament, is to abide by those that are certain and known, and it is not in the Power of either, or both Houses, to create new Privileges to themselves. It never was thought a Breach of the Privileges of Parliament, to profecute an Action against any Man, who was not entirled to Privilege of Parliament; "and therefore, fince the late Constables of Aylesbury had no title to Privilege of Parliament, at the time when those Actions were Commenced or Prosocuted, we cannot imagine upon what Foundation, the pursuing these Actions can be Voted a Breach of Privilege by the House of Commons.

It feems very necessary it should be known upon what Rule this Pretence is grounded, That the People of England may be at a certainty, and fee some Limits fet to the Claims of Privilege. To serve the turn it has been faid. There are Privileged Cases as well as Priveleged Persons, but no Instance has been produced, whereby this distinction can be applied to justifie these Commitments. Actions at Common Law have been brought upon false Returns, and double Returns of Members to ferve in Parliament, as in the Cases of Sir Samuel Barnardiston and Mr. Onflow, which proceeded to Judgment, and a Writ of Error was brought in one of them, and the Plaintiffs could not prevail in either of those Suits; and yet it was never pretended, That the *Commencing or Profecuting those Actions, was a Breach of Privilege of Parliament, nor were the A. C. Persons concern'd in them Imprisoned or Censured, 1704. though there was a much greater Colour for such a pretence in those Cases; because the Question there directly concern'd the Right of Sitting in Parliament, and consequently those would have been indeed Privileged, it any such Distinction had been once thought of in those Days. Whereas in the Actions brought by these Five Men, neither the Plaintiffs nor Defendants, were Members of Parliament, nor did the Actions relate, in any manner, to the Right of Sitting there.

The Opinion of the House of Commons, at that

time, was very different from what it is now.

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When the Judgment of the King's-Bench, (where Sir Matthew Hale fat then Chief Justice) which passed in favour of Sir Samuel Barnardiston, that the Action was maintainable, was Reverled in the Exchequer Chamber, the House of Commons was so far from thinking it for their Advantage, to have their Members deprived of the Benefit of the Common Law. That in the Year 1679. a Committee was appointed to enquire touching the Reverling that Judgment, and by whose Procurement and Sollicitation, and by what Ways and Means the same was Reversed, and the Names of the particular Judges that were concerned: And when afterwards that Judgment in the Exchequer Chamber was Affirmed in Parliament, the House of Commons never thought themselves secure against the Corruptions of the Officers, who were to take the Poll, and make Return at Elections, till they had got an Act in the Seventh and Eighth Year of the late King, which gave a Remedy in West minster-Hall for False and Double Returns; so little contented were they in their own Cases with the Jurisdiction of the House of Commons, and the Remedy to be had there, which now they so fiercely contend, their Electors should entirely Acquiesce in: And we cannot but think it manifest Partiality in those Gentlemen, to go about by such violent Means, to deprive their Electors of Recovering Damages, when they are wrong'd in being deprived of giving Votes, fince they thought it necessary for themselves to have that A. C.

Advantage, when they are injured in their own E.

The Sufferings of these Unfortunate Men have not ended here, and the Rights of the Free born Subjects of England, have received a further and no less dangerous Wound in their Persons. These · five Men having endured a long and chargeable Imprisonment, and despairing of their Liberty any other way, were advised to Sue out Writs of Habe. as Corpus returnable in your Majesties Court of Queen's-Bench, hoping to obtain their Discharge by the help of that Court, where the Judgment ought to be given according to the Laws of the Land, without regard to any Votes or Declarations, or Commands to the contrary: But this Endeavour proved unsuccessful, and they were remanded to Newgate by three of the Judges of that Court, contrary to the Opinion of the Lord Chief Iustice Holt. We shall not presume to offer any Opinion to Your Majesty, upon Occasion of this Judgment, at present, because it is not regularly brought before this House; and we only mention it, because the House of Commons took such Offence at the bringing these Writs of Hebeas Corpus, That on the 24th of February last, they Voted, That whoever had Abetted, Promoted, Countenanced or Affifted the Profecution of those Writs, were Disturbers of the Peace of the Kingdom, and had endeavoured, as far as in them lay, to Overthrow the Rights and Privileges of the Com-monsin Parliament. This is a very heavy Charge; and if it be so Criminal a thing for a Prisoner to pray a Habeas Corpus, it does not only affect those who are at present concerned, but ought to touch every Commoner of England, in the most sensible manner. Liberty of Person is of all Rights the most Valuable, and of which, above all other things, the Law of England is most Tender, and has Guarded with the greatest care, having provided Writs of several kinds, for the Relief of Men restrained of their Liberty upon any pretence, or by any Power whatfoever; that fo in every Cafe they may have some place to Resort to, where an Account may be taken of the reason and manner of the Imprisonment, and the Subject may find a proper Relief according to his Cafe. No Crime whatfoever does

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does put an Englishman into so miserable a Condi- A. C. tion, That he may not endeavur, in the Methods of Law, to obtain his Liberty; That he may not, by his Friends and Agents, Sue out a Habeas Corpus, and have the Assistance of Sollicitors and Counsel. to Plead his Cause before the Court where he is to be brought. The Court is bound, by the Law, to 'Assign him Council, if there be Occasion, and to give Judgment upon his Case, as it stands now upon the Return of the Habeas Corpus, and to Remand, Discharge or Bail the Prisoner, as the Cause of his Commitment appears there sufficient or infufficient in Law; and if what is Alledged as the "Cause of Imprisonment appears to be no Crime in Law, it is not the Authority of those who made the Commitment, can excuse that Court for Remanding the Prisoner. This is the Law of England: But according to these Resolutions of the House of Commons, if a Man has the Unhappiness, (tho through Ignorance or Mistake) to do an Act which shall be Voted a Breach of Privilege, he becomes in a worse Condition than any Felon or Traytor; his Confinement makes it impossible for 'him in Prison to Sollicit and Procure a Habeas Corpus, and if any have Charity enough to Affift him, or to plead for him, in order to shew to the Court the Insufficiency of the Commitment in matter of Law, they become liable to lose their own Liberty, and are involved in the same Guilt of Breach of Pri-'vilege: So let the Imprisonment be upon the most triffing Occasion imaginable, it it be by Order of the House of Commons, every Commoner must 'submit to it without Redress; no Friends can help them, no other Authority can deliver them, till Your Majesty shall put an End to that Session. The 'Lords have as just a Concern, as the House of Commons can have, to maintain the Authority, 'and keep up the Awe of Parliamentary Commitments; And they will always do it, as far as Justice, and the Usage of Parliameuts will allow. have been Cases, particularly that of the Earl of Shaftsbury, where Persons Committed by the House of Lords, even Members of that House, have Sued out Writs of Habeas Corpus, and upon the Returns of those Writs, have been brought before the Court

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of King's Bench, and their Counsel have been heard on their behalf: And yet no Censure ever passed upon them for these endeavours to obtain their Li. berry, or upon their Agents, Sollicitors or Counsel. The House of Commons formerly acted with more Referve upon sonice an occasion, as the Liberty of the Subject: For in the Year 1680, when a Writ of Habeas Corpus was ferved upon the Serjeant at Arms. attending the House of Commons, in behalf of Mr. Sheridon, who stood Committed by Order of that House, after the House was made acquainted. That fuch a Writ was served upon their Officer, and had entred into very long Debates upon the matter, they did not think fit to Interpose, nor to pass any Censures upon the Persons concerned in procuring the Writ, or in Appearing in behalf of the Prisoner; but left the Serjeant at Arms at liber. ty to obey the Command of the Habeas Corpus; which he did accordingly, by carrying his Prisoner before the Judge, where the Habeas Corpus was returnable. The House of Commons have, in former Ages, shewn a great and steady Concern for the 'Freedom of the Persons of their Fellow-Subjects: And upon their Petitions, many Excellent Laws ' have been made, to protect Liberty against all un-'lawful Restraints by any Authority', even that of 'the Crown: But now it is infifted, that their own 'Imprisonments are out of the Reach of those Laws, and their Legality not to be examined. In the 'Third Year of the Reign of Your Royal Grandlather, the House of Commons made a Noble Stand 'for the English Liberties, and shew'd, by undeniable Evidence, That the Causes of the Imprisonment · must be Expressed in all Cases, that so it might ap-' pear, upon the Return of the Habeas Corpus, whether they were sufficient in point of Law. It could · not then have been imagined, That the Succeffors of those Men would ever have pretended to an Arbitrary and Unlimited Power of Depriving their · Fellow Subjects of their Liberties, or to Vote it to · be Criminal, so much as to enquire into the Validity of their Commitments. There is another occasion of Offence, which the House of Commons have taken against John Paty and John Oviat, Two of these Prisoners, who thinking themselves wrong'd d

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in their being Remanded to Newgare, by the Opinion of the major number of the Judges of the Court of Queen's Bench, humbly Petitioned Your Majesty for a Writ of Error, in order to bring this Judgment before your Majesty in Parliament: And it is certain the Subject is never Concluded by any Judgment, till he comes to the last Refort fixed by Law The House of Commons being inin that Cafe. formed of these Petitions, came to a Resolution, which they laid before Your Majesty, That the Commitments of that House were not examinable in any other Courts whatfoever; That no Writ of Error lay in this Case; and that as they had expressed their Duty to your Majesty in giving Dispatch to the Supplies, so they had an entire confidence in your Majesty, that you would not give cleave for the bringing any Writ of Error. first Position in this Vote is very General, and the Consequences of it are plain, if the Commitments of the House of Commons are examinable in no other Place, then no Man in England, how Innocent soever, is secure of his Liberty longer than the House of Commons pleases; And Men may be 'allowed, at least, to Wish, that it were not so, tho' they may have a very high Opinion of the Justice of that House. It has been held as an undeniable 'Maxim, That whoever executes an Illegal Com-' mand, to the prejudice of his Fellow Subjects, must be answerable for it to the Party grieved. Let it be 'supposed then, That an Action of False Imprisonment was brought against the Serjeant of the House of Commons, and that the Defendant justifies his taking the Plaintiff into Custody, by Virtue of a Warrant of that House, and it appears upon the 'Face of the Warrant, That the Cause of the Com-'mitment was no Crime in Law, and the Plaintiff Demurs, what must the Judges do in such a Case? Will it be possible for them to avoid Examining into the Commitment, and so give Judgment one way or other? Or can it be pretended, That a Writ of 'Error may not be brought upon such a Judgment? 'And is not the Court, before which the Writ of

Error is brought, under a necessity to do Justice thereupon, as the Law requires? As to the Second Thing they have taken upon them to Assert, That

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no Writ of Error lies in the Cale; we Affirm to your Majesty with great Assurance, That by our Configurion, the House of Commons have no Right or Pretence to Determine whether that be fo or not. The Right of Judging when a Writ of Er. ror is properly brought, is by Law entrusted to that Court to which the Writ of Error is directed; and therefore we shall not, at present, say any thing to your Majesty in an Extrajudicial way, and before the proper time, as to that Point, whether a Writ of Error brought upon a Judgment for remanding Prisoners upon a Habeas Corpus, can be maintained. Which way that Question will be decided hereafter, when the Writs of Error are return'd into the Parliament, is not at all Material, in respect to the Petitions of the Prisoners, which now lye before Your Majesty: For unless Your Majesty be pleased to grant the Writs of Error according to their Prayer, the Matter cannot come to the proper Decision in Parliament, and Justice will be manifestly Obstructed. Whether the Writs of Error ought to be granted, and what ought to be done upon the Writs of Error afterwards, are very different Things. The only Matter under Your 'Majesties Consideration is, whether in Right and Justice the Petitioners are not entituled to have the Writs of Error granted.

We are fure the House of Commons, in the Year One thousand six hundred eighty nine, was of Opi-'nion, That a Writ of Error, even in Cases of Fe-'lony and Treason, is the Right of the Subject, and ought to be granted at his Delire, and is not an act of Grace and Favour, which may be denied or granted at Pleasure: So that, as far as the Opinion of that House of Commons ought to have Weight in such a Question, (whatever the present Opinion of the House is) they then thought a Writ of ' Error was the Right of the Subject in Capital Cases (where only it had been at any time doubted ot.) But that it is a Writ of Right in all other Cales, has been affirmed in the Law Books, is verified by the constant Practice, and is the Opinion of all Your present Judges, except Mr. Baron Price, and 'Mr. Baron Smith: The Law for the better protection of Property and Liberty, has torm'd a Sub0

1704.

On

ordination of Courts, that Men may not be finally A. C. concluded in the first Instance: But this is a very vain Institution, if they be left precarious in the Method of coming to the Superior Court, All Suits are begun, as well as carried on, by the Authority of Your Majesties Writs, and the Subject has a like legal Claim to all of them. The Petition for a Writ of Error returnable in Parliament. is only Matter of Form, and respect to Your Majefty (like the Petitions which the Speaker makes in the Name of the Commons, at the beginning of every Parliament, for those Privileges which they do not believe to depend upon the Answer of those Petitions) and is no more to be refused than any other Writ throughout the Cause. To affirm the contrary, is to allow an Arbitrary Latitude to inter. 'cept Justice, and make it depend upon private 'Advices, and Extrajudicial Determinations, whether any Causes at all shall be brought to judgment before the High Court of Parliament. These things being consider'd, how extreamly Surprizing is an Address from such a Body as the House of Commons, That Your Majesty would not give leave 'for fuch a Writ? And no less Surprizing is what they infinuate, as the Reason of their Confidence in Your Majesty, that You would hearken to such an 'Address, That they have given Dispatch to the Supplies: They proceeded furely in the Matter of the Supplies with a nobler Aim, for the Safety of 'Your Majesty's Crown and Person, and for the delivering the Kingdom from the Oppression of French Power, employed to set an unjust Pretender 'upon Your Majesty's Throne. These are good Reasons for Disposing of the People's Money. Their Liberties, and all that is valuable to them, 'depend entirely upon the good Success of the War, and they have used, in all Ages, to part freely with their Money, for the Detence of their Liberties and 'Properties, and the removing of Grievances and Oppressions. But this is the first time a House of 'Commons have made use of their having given the People's Money, as an Argument why the Prince 'should deny Writs of Right to the Subject, obstruct the Course of Justice, and deprive them of their Birth Rights.

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On the twenty fixthday of February, the House of Commons proceeded to carry on their Refentments to greater Extremities, and Voted, That the Gentlemen who pleaded as Council for the Five Pri. foners, upon the Returns of the Writs of Habeas Corpus, and the Agents and Sollicitors who affifted them, were guilty of a Breach of Privilege, and ordered them to be taken into Custody, which Or. der has been Executed : This feems to be fo great an Excess, that it is hard to find Words proper for Ex. pressing it. When Cromwell committed Mr. May. nard to the Tower for affilting one Coney as his Council, upon a Habeas Corpus, a celebrated Author ex. preffes the Deteffation due to fuch a Fact, in these Words: It was the highest Act of Tyranny that ever was seen in England; It was southing up the Law it felf close Prisoner, that no Man might have Relief from.

or Access to at: But as strange and unjustifiable as this appears, we beg leave to take Notice of another thing yet more irregular (if it be possible:) While the Matter was depending before Your Majesty, upon the Petitions for Writs of Error, after the House of Commons had made an Address to Your Majesty, That You would not give leave for the bringing Writs of Error; after Your Majesty had, by Your Gracious Answer, fignified to them, That this Matter relating to the Course of Judicial Proceedings, was of the bigbest Importance, and therefore Your Majesty thought it necessary to weigh and consider very carefully what was proper for You to do: And after they had Voted to take this very Answer of your Majesty's into Confideration: The day following they ordered the five Prisoners to be removed from Newgate, and taken into the Cultody of the Serjeant at Arms attending the House of Commons: And this Order was executed at Midnight, with fuch Circumflances of Severity and Terror, as has been feldom exercised towards the greatest Offenders. Your Majesty is the only proper Judge how highly difrespectful this Action is to Your Royal Person and Authority.

But it concerns us to fay, That such a Proceeding tends directly to the depriving the Petitioners of that Justice, which they were endeavouring to e of

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obtain by means of the Writs of Error. While Your Majesty was deliberating how to put an end to a Matter, which they only had made difficult by an unreasonable Address, the House of Commons rightly apprehended, That Justice would prevail with Your Majetty over all other Confiderations; and therefore (as far as possible, to disappoint the Prisoners, of the Fruit they expected from these Writs of Error when granted) they Transferr'd them, in the mean time, to another Prison. Practice of removing Prisoners from one Costody to another, has been ever complained of, as manifeft Oppression, and most evidently destructive of the Liberty of the Subject: It is a Mischief provided against in express Words, by the Act made in the Reign of Your Royal Uncle King Charles the Second. For better Securing the Liberty of the Subject; That if any Person, being a Subject of this Realm. shall be committed to any Prison, or in Custody of any Officer whatsoever, for any Criminal, or sup-posed Criminal matter, That the Person shall not be remov'd from the laid Prison or Custody, into the 'Custody of any other Officer (unless it be by Habeas Corpus, or some other legal Writ;) and this upon the great Penalties mentioned in that Act. Penalties in the faid Act were new, but the Law of England was the same before the making it. hifting of Men from one Prison to any other, while they are using Means in a Course of Law to recover their Liberty, is inexcusable Cruelty, and against the plain Rules of natural Justice, for by such Artifices, Imprisonments however unlawful, might be made Perpetual, and the Subject as he was at the Point of being discharged from one Prison, might be without end removed to another.

"We are so desirous that Your Majesty should be made fully acquainted with all the Passages relating to this Dispute between the two Houses, that we humbly beg leave to annex to this our Representation, what passed at the first and second Conferences, and also the substance of what was said at the free Conference, and in our Debates, in maintenance of the Resolutions of the House of Lords. But we take it to be a Duty necessarily incumbent on us, to observe to Your Majesty the manner in which

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we have been treated by the House of Commons at these Conferences; so that from thence Your Ma. jefty, according to Your great Wildom, may Judge to what fuch Proceedings do naturally tend. They told us, That the Judicature of the House of Lords was unaccountable in its Foundation, and inconfiftent with the Constitution: If they mean it is fo Ancient, that no account can be given of its Foun. dation, it is true; but there is reason to believe it began with the Monarchy, and we are fure it has continued without Interruption, unless during that unhappy Interval, when a pretended Houle of Commons destroyed the Church, and the Monar. chy, as well as the House of Lords: As many Ages as the Constitution of the English Government has lasted, this Judicature has consisted with it, and formed a noble and necessary part of it, and there-' fore these Gentlemen will hardly be believed against fo long an experience, That it is inconfistent with the Constitution. They also charged the Lords in direct Terms, with usurping the Hearing Appeals, with making advances upon the Constitution, with contriving to bring Liberry and Property into the Bottomless and Insatiable Gulf of the Lords Judicaturn, and with direct Reproaches, as to the manner in which that Judicature has been exercised, and in the most Contemptuous way told us, They forbore to mention the Instances, because they hoped we would Reform. We defire no other Judge but 'your Majesty, how such a Treatment of us becomes these Gentlemen; and we dare appeal to all Your Subjects for Witnesses of the Irreproachable manner of administring Justice in the House of *Lords. We hope the great Displeasure the House of Commons has conceived against us, may prove of some real Service, and of useful Caution to 'Your Majesty, for it has drawn them directly to 'own (what was but too visible before) that they are aiming at more Power, and a larger Share of the Administration than is trusted with them by the Nature of our Government. They directly complained, that by the Constitution the Judicature in the last Resort, was not placed in the same Hands with the Legislature, tho' they cannot shew it to be so in any Country where the Government is not af

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Arbitrary, and the Prince's Will the Law. They A C. have been long endeavouring to break in upon the 1704. Lords share in the Legislature, of which we could mention too many Instances to your Majesty. From an Ancient Claim, That Aids to the Crown are to begin in the House of Commons, and that the Lords could not alter the Sums, they have of late Years, pretended (but without any Reason, and a-'gainst the known Usage of Parliaments) that we 'could make no Alterations in any parts of a Money-Bill, tho' it have no Relation to the Money: And 'upon that Foot, when they have had a mind to get any thing passed into a Law, of the Reasonable-'ness of which they have despaired to convince the 'Lords, they have tack'd it to a Money-Bill, in or-'der to put the Crown, and the Lords under that unhappy Necessity, either to agree to a Law they 'might think prejudicial to the Publick, or to lofe the Money, which, perhaps, at that time, was ablo-'lutely necessary to the saving the Kingdom. By this Method they assume to themselves the whole Legislative Authority, taking in Effect the Negative Voice from the Crown, and depriving the Lords of the Right of deliberating upon what is for the 'good of the Kingdom: For this Reason the Lords had, in a very solemn Manner, resolved never to 'suffer such Impositions, for the suture, let the Importance of the Bill be never fo great. This Refo-'lution was well known, and yet in this present Sellion (as appears by the printed Votes of the 28th of November last) a great Number of the Gentlemen of the House of Commons, to the manifest Danger oldisappointing the Supplies of the Year, which must have been the Ruin of the whole Confederay, and delivering up of Europe into the Hands of France, made an Attempt to Tack to the Land Tax a Bill which had been rejected in two precedent Sel-Thus the House of Comfions of Parliament. mons have formerly fet on Foot several Attempts, against that Share in the Legislature which is placed in the Lords: But this is the first Time they have published their Desire, to be let into the ludicature of Parliament.

'Whatever they would infinuate upon this Occasion, we desire not to meddle with the Choice of A. C. 1703.

the Commons Representatives, we willingly leave that Matter where it is, and in what manner it is exercised there; how Impartially, and how Steam dily, is fo well known by Experience to most parts of the Kingdom, and fo univerfally understood, that the People will be extreamly defirous their Estates and Properties should be subject to such Determi. nations. It is not strange the free Conference end. ed without Success, when the Commons came to it with fuch a Temper, as appears by the Votes of the 8th of March, made after they themselves had consented to the free Conference: If those Votes had been published soon enough, it would have fully convinced the Lords, how vain a thing it was to confer with them further upon the Matters in debate at the former Conferences; for not content, with what they had done before, upon Informa. tion that their Serjeant had been ferved with two Writs of Habeas Corpus returnable before the Lord. Keeper, in behalf of Mr. Montague and Mr. Denton. two of the Gentlemen who had been of Council with the five Prisoners, they came to a Resolution. That no Commoner committed by them for Breach of Privilege, or Contempt of the House, ought to be by Habeas Corpus, made to appear before any other Judicature, and required their Serjeant to make no Return, or yield any Obedience to those Writs; and that for such Refusal he had the Protection of the House of Commons.

'It has been always held the undoubted Prerogative of the Crown, to have an Account of the reason why any Subject is deprived of Liberty, and it has ever been allowed, that by the known common Law, it is the Right of every Subject under restraint, upon demand to have his Writ of Habeau Corpus, and thereupon to be brought before some proper Court, where it may be Examined whether he be detained for a lawful Cause: And the Statutes made in the Reign of Your Royal Grandsather, and

Your Royal Uncle, have Enacted, That in all Cafes, Writs of Habeas Corpus be granted, and obeyed by the respective Officers upon great Penalties. But these Votes import a direct Repeal of those

Laws, as to all Persons committed by the House of Commons. It is no longer worth disputing, Whe-

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ther a Person committed by them, tho' for a Fact which appears to be both Lawful and Necessary, may be delivered by any Court; for by this new t Law he shall never be brought thither, and the Serjeant is not only Warranted, but commanded openly to contemn Your Majesty's Royal Writs of Habeas Corpus, brought upon the Act of the One and thirtieth of King Charles the Second, which is 'an Invalion of Your Prerogative, never before heard of in England. Your Majesty does not Claim an Authority to protect any of Your Officers for dif-The Habeas Corpus Act, obeying a known Law. in times of eminent and visible Danger, was, in the late Reign, suspended by Acts of Parliament, for some 'short time, and yet (so sacred was the Law held) that those Acts passed with great Reluctancy, and one of the Arguments that prevailed most for agreeing to that Temporary Suspension was, That it would be an unanswerable Evidence to all future times, that this Act could never be suspended afterwards by any less Authority than that of the whole Legislature: But we live to see a House of Commons take upon them to suspend this Law by a Vote: They ordered, That the Lord Keeper of Your Great Seal should be acquainted with their Resolutions, to the end the Writs of Habeas Corpus may be superseded as contrary to Law, and the Privileges of their House. They are contrary to no Law, but that of these Votes, which surely are none of the Laws the Lord Keeper was Sworn to Obferve. But yet he is to Act at his Peril. They have ordered this Law to be published to him by their Clerk. The Lord-Keeper is a Commoner, and if he Disobeys, 'tis a Breach of Privilege; and if they should carry it so far, as to order him into Custody, he may seek, but is not to have Relief from any Habeas Corpus.

We humbly beg Pardon of Your Majesty for this Long and Melancholy Representation, which we could not avoid, without being Guilty of Treachery to Your Majesty, and to our Native Country; The Five Persons immediately concerned are but poor Men; but we well know Your Majesty's Justice and Compassion extends it self to the meanest of Your Subjects. The Matters in Dispute are of the

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Highest Consequence : Your Majesty's Prerogative. the Reverence due to Laws, and the Liberties and Properties of all the People of England are concerned, and at Stake, if these Encroachments prevail. We do not pretend to follicit Your Majesty to put a stop to these Innovations, Your own Wisdom will fuggest the more proper Methods: We have endeavoured to do our Duty, in laying the whole Matter before You. We humbly beg leave fo far to resume what has been said, as to present Your Majesty a short View of the Unhappy Condition of such of Your Subjects, as have Right of giving Votes for choosing Members to serve in Parliament. which has been hitherto thought a great and valuable Privilege; But by the late Proceedings of the · House of Commons, is likely to be made only a dangerous Snare to them, in case they who may be hereafter chosen to serve in Parliament, shall think fit to pursue the Methods of this present House of Commons. If they refrain from making Use of their Right in giving their Votes, they are wanting in their Duty to their Country, by not doing their Parts towards the chooling such Representatives as will use their Trust for the Good of the Kingdom, and not for the Oppression of their Fellow Subjects. If the Officer, who has the Right of taking the Suffrages, refuse to admit them to give their Votes, they must either sit down by it, and submit to be Wrongfully and Maliciously deprived of their Rights; or, if they bring their Actions at Law, in order to Affert their Rights, and recover Damages for the Injury (as all other injured Men may do in like Cases) they become liable to indefinite Imprisonment, by incurring the Displeasure of those who are Elected. If being thus Imprisoned, they feek their Liberty by Habeas Corpus (the known 'Remedy of all other Subjects) they do not only tye ' their own Chains faster, but bring all their Friends and Agent's, their Sollicitors and Council into the same Mistortune with themselves. If they think themselves to have received Injury by the Judgment upon the Habeas Corpus, and feek relief by Writ of Error, (the known Refuge of those who Suffer by any wrong Judgment) all that Affift them in that ! Matter,

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Matter, are likewise to lose their Liberties for it, and they themselves will be removed to new Prisons, in order to avoid the Justice of the Law. We humbly conclude with acquainting Your Majesty, That we have been informed, by the Peti-

'jesty, That we have been informed, by the Petition of two of the Prisoners, that they have been long delayed (tho' they have made their Applications, in due manner, for Writs of Error:) We are under a necessary Obligation, for the sake of Justice, and Afferting the Judicature of Parliament, to make this humble Address to Your Majesty, that no Importunity of the House of Commons, nor any other Consideration whatsoever, may prevail

'with Your Majesty, to suffer a stop to be put to the 'known Course of Justice, but that You will be pleas'd 'to give Effectual Orders for the immediate Issuing of

the Writs of Error.

Her Majesties Answer to this Address, was,

My Lords.

I Should have granted the Writ of Error desired in this Address; but finding an Absolute Necessity of putting an immediate End to this Session, I am Sensible there could have been no further Proceedings upon that Matter.

Which being reported to the House of Lords, their Lordships ordered, That the Humble Thanks of their House be Presented to Her Majesty, for Her most Gracious Answer, in which She had exprest so great a Regard to the Judgment of this House, so much Compassion to the Petitioners, and such Tenderness to the Rights of the Subject.

The same day the Queen came to the House of Peers with the usual Solemnity, and the Commons being sent for up, Her Majesty was pleased to give

the Royal Affent to,

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1. An Act for continuing Duties upon Low-Wines, Acts pass, and upon Coffee, Tea, Chocolate, Spices and Pictures, and March upon Hawkers, Pedlars and Petty-Chapmen, and upon 14. Muslins; and for granting new Duties upon Jeveral of the Said Commodities, and also upon Callicoes, China Ware and Drugs. 2. An Act for granting to her Majesty a surther Subsidy upon Wines and Merchandizes imported.

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A. C. 1704. 3. An All far the better enabling Her Majesty to grant the Honour and Manner of Woodstock, with the Hundred of Wootton, to the Duke of Marlborough and his Heirs, in Consideration of the Eminent Services by him performed to Her Majesty, and the Publick. 4. An Act for Encouraging the Importation of Naval Stores from Her Majesty's Plantations in America. 5. An Act for the effectual Securing the Kingdom of England, from the Ap. parent Dangers that may arise from several Acts lately passed in the Parliament of Scotland. 6. An Ast for giving like Remedy upon promissory Notes, as is now used upon Bills of Exchange, and for the better payment of In. land Bills of Exchange. 7. An Act to permit the Exportation of Irith Linnen Cloth to the Plantations, and to probibit the Importation of Scotch Linnen into Ireland. 8. An Act for the better Recruiting Her Majesty's Land. Forces, and the Marines, for the Year One thousand seven bundred and five. 9. An Act for prohibiting all Trade and Commerce with France. 10. An Act for making Perpetual an Act for the more easy Recovery of small Tythes; and also an Act for the more easy obtaining Partition of Lands in Coparcenary, Joint-Tenancy, and Tenancy in Common: and also for making more effectual, and amending Several Acts relating to the Return of Jurors. 11. An Act to prevent all Traiterous Correspondence with Her Majesty's Enemies. 12. An Act for raising the Militia for the Year One thousand seven hundred and five, altho' the Months Pay formerly advanced be not repaid. 12. An Act for punishing Mutiny and Desertion, and Falle Musters; and for the better Payment of the Army and Quarters.

And to several private Bills: Which done, Her Majesty made the following Speech to both Houses.

My Lords and Gentlemen,

The Queen's I Cannot put an end to this Session, without doing you Speech to the Justice to Acknowledge, you have made good the both Houses Assurances you gave Me at the Beginning of it, by the great readiness you have shewn in the Dispatch of the Publick Business; And I make no doubt, but this Dispatch will prove a real Advantage to us, and a great Discouragement to Our Enemies.

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Gentlemen of the House of Commons,

I return you My bearty Thanks in particular, for the great Supplies, with which you have Enabled me to carry on this Necessary War; I assure you they shall be carefully applied to the Uses for which they have been given; and I perswade My self I shall always have the Chearful Assistance of My Dutiful and Loving Subjects in the Prosecution of the present War, till Our Enemies are Obliged to such a Peace, as shall be a lasting Advantage and Security to Us and Our Allies.

My Lords and Gentlemen,

We have, by the Bleffing of God, a fair Profect of this Great and Defirable End, if We do not Disappoint it by Our own Unreasonable Humour and Animosity, the fatal Effects of which We have so narrowly Escaped in this Session, that it ought to be a sufficient Warning against any

Dangerous Experiments for the future.

I Conclude therefore with Exhorting You all to Peace and Union, which are always Commendable, but more particularly Necessary at this time, when the whole Kingdom being shortly to proceed to new Elections, it ought to be the Care of every Body, especially such as are in Publick Stations, to carry themselves with the greatest Prudence and Moderation: Nothing will Contribute more to Our Reputation Abroad, and Our Security at Home.

And then the Lord Keeper, by her Majesty's The Parlia-Command, Prorogued the Parliament to Tuesday the regued.

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Before we leave this Session of Parliament, we must take notice of some remarkable Passages, which I have purposely omitted before, that I might give a continued and uninterrupted View of more material The Party that prevail'd in the House A self de-Tranlactions. of Commons, both to make themselves Popular by ming Ast a Self-Denying Act, and to mortily some eminent fet on foot Members, who had left them, and were now in miscarries. Places of Profit and Trust, brought * in a Bill for . Jan. 16excluding out of the House of Commons, all Persons in a ny Offices or Employments erected since the 6th day of February 1684, or to be erected. This Bill had a quick and easy Passage thro' the House of Commons, but being | fent up to the House of Lords, the latter made t Jan. 33. e* Feb. 2.

As also that for

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the Peace.

A. C. feveral Amendments to it, which were † disagreed to by the Commons, and so the Bill was loft. There was also another Bill fet * on Foot in the House of + Feb. 14. Commons, To prevent Persons, who are Entitled Jan. 16. by their Offices, to receive any Benefit by Publick Annual Taxes to be granted, from being Members in Parliament, while they are in such Offices: Which being levell'd against many worthy Members, who serv'd the Nation, both by Sea and Land, occafion'd no small Murmurings. To stifle these, the

† Jan. 20. Commons empowered the † Committee to receive a Clause to except out of that Bill, all Flag-Officers in the Navy, and Captains of Ships, and all General Officers in the Army, and all Colonels in the Land Forces, and in the Marines; but notwithstanding this

† Jan. 27. Mortification, the Bill being come to † a third Read.

ing, it was refolv'd that it should not pass.

Among the many Ways and Expedients, by which the prevailing Party of the House of Commons endeavour'd to secure their Interest against a new E. lection, they thought it necessary to procure an Act, whereby the Commissions of the Peace should be lodged in the Hands of Men of Estates: and thereupon a Bill was brought in, and * passed for Qualification of Justices of the Peace; but the same being sent up to the Lords, their Lordships did not think fit to give

it their Concurrence. Qualifica. tion of Ju-On the 2d of March, it appearing to the House of

Commons, that Edward Theobalds was guilty of Falle and Scandalous Reflections upon Sir Charles Barrington, Knight of the Shire for the County of Effex, and of misrepresenting his Voting and Acting in the House, to the Free-holdets of the said County, ordered the faid Theobalds to be taken into the Cultody of their Serjeant at Arms, and Refolv'd, 'That to 'asperse any Member of The House of Commons, with being in the Interest of the pretended Prince of persing the Wales, or the French Government, for, or in respect Members of of his Behaviour and Proceedings in The House of the House of Commons, is Villanous and Seditious, Destructive of the Liberties of Parliament, and the Freedom of 'Elections; and tends to create a Missunderstanding

Towards the end of the Session, the Lords passed Bill against a Bill for the further Preventing the Growth of Popery, Popery. which

between Her Majesty, and Her Subjects.

which being tent down * to the Commons, it was A. C. generally wished, that so wholsom an Act might 1701 meet with no Obstruction. But the Commons made fuch Amendments * to it, as came little short of the March 7. Bill for preventing Occasional Conformity; and when the Question was putting, that the Bill be read the third Time, Mr. Aston, Deputy Gentleman Usher of the Black-Rod, † Summoned the Commons to at-+ March tend the Queen in the Lords House.

On the 5th of February the Lords attended the

Queen with the following Address.

May it please your Majesty,

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XIE Your Majesties most Loyal and Obedient The Lords Subjects, the Lords Spiritual and Tempo- Address 'ral in Parliament Assembled, having referred several about S:a Books and Papers, laid before the House from the Affairs. Treafury, Admiralty and Navy Offices, to a Com-'mittee, and Received, and fully Considered their Reports thereupon, think Our felves bound in Du-'ty to Represent to Your Majesty the following Obfervations. It appears to Us, by the Accounts of the Navy, That the Charge of the Navy (Exclu-' five of the Ordnance for Sea Service) for the Three last Years, amounts to the Sum of 6559127 1. 12 s. '2 d. It does also appear, by the Books delivered by 'the Lord Treasurer, that the Provision designed by 'Parliament for the Service of the Navy (Excluding the Ordinance for Sea-Service for the faid Three

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^{*} They inserted this Clause, Provided always, that all Persons, who by Virtue of this Act shall be obliged to take the Oaths of Allegiance and Supremacy, and Subscribe the Declaration, shall, at the same time, declare himself to be a Member of the Church of England, as now by Law Establish'd; Such Declaration to be entred on the same Roll, where the said Oaths and Declarations, Jo to be taken and subscribed, are to be entred. And in Case any such Persons, shall after their taking such Oaths, and making such Declarations as aforesaid, knowingly or wilfully resort to, or be present at any Conventicle, Affembly, or Meeting, under Colour or Pretence of any Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of England, in any Place within this Kingdom, shall forfeit the Sum of one Hundred Pounds, for every time he shall be present at Juch Affembly, Conventicle or Meeting. 'Years

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Years) amounted to the Sum of 6192094 1. 18 s. So that the Charge of the Navy, within that time. has exceeded what was designed by the Parliament, besides the Charge of the Ordnance for Sea-Service, the Sum of 366032 1. 171. 2 d. We also observe. That whereas the Provision intended by Parliament for the faid Three Years, amounted (as afore-'faid) to the Sum of 6193094 1. 15s. It appears by the Accounts of the Treasury, That there has been Issued to the Use of the Navy (Exclusive of the 'Ordnance) to the Eighth of November, 1704. the Sum of 5051788 l. 15 s. 4 d. So that there has been Issued for the Use of the Navy, 1142361 1. 2 s. 4d. short of the Proportion Allotted to that Service by Parliament. But we must beg leave to observe, 'That the Navy Accounts make the Sum received by the Treasury of the Navy, between Michaelmas 1701. and Michaelmas 1704. to amount to 54207001. '11 s. 1 d; which Difference We conceive, arises by the Navy-Accounts Commencing fooner than the Treasury Accounts, and by the Voluntary Charge of the Treasurer of the Navy. We also beg leave to acquaint Your Majesty, That by the 'Accounts delivered in, and Signed by the Commis-' sioners of the Navy, it appears that the Debt of the Navy at Michaelmas 1704, amounting to the Sum of 2266864 L 17 s. 10 d. and that the Debt of the Navy at Michaelmas 1702. amounted to the Sum of 1016767 1. 3 s. 9 d. So that the Debt of the Navy in two Years time, has Increased the Sum of 12500971. 14s. 1d. But We take Notice, that by the Treasury Books it appears, That the Funds given by the Parliament for the Service of the War, have proved Deficient, and fallen thort of Answering the Services intended by Parliament, and leveral extraordinary Expences of the War, the Sum of 1194249 1. 16 s. 5 d. We further humbly Observe to your Majesty, That by the Treasury-Books it appears, Provision was made by Parliament, that a number of Men, not exceeding 40000 (including 5000 Marines) should be Imployed for the Service of the Year 1704. for whose Wagesthere was appointed the Sum of 731507 1.11.2d. that the Charge of Wages for that Year by the Navy Accounts, amounts to the Sum of 651963 1. which Sum

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number of 35000, who, with the 5000 Marines, ought to have been employ'd at Sea, to make up the 40000 Men. We beg leave farther to observe to

Sum amounts only to the Wages of 33434 Seamen,

to that 1 566 Seamen were wanting to make up the

Your Majesty, That there were the last Year 10 Flags in Sea-Pay, viz. 3 Admirals, 3 Vice Admirals, and 4 Rear Admirals, and that 3 of these were

not in their Posts. That Mr. Churchil, Admiral of the Blue, has not been at Sea in any Year of this

'War. Mr. Graydon, Vice-Admiral of the Red, has

been a Shore all this last Year. And that Sir James

Wishart (though a Rear-Admiral) has been the last

Year Captain to the Admiral of the Fleet.

were two Vice-Admirals of the Red, and two Rear

Admirals of the Blue, but no Vice-Admiral of the

White, which seems to Us to have been very Irre-

gular, and to have been done in favour of Mr. Gray-

don, to continue him in the Service, altho' this

House had Voted, that his Behaviour in letting

the four French Ships escape, was a prejudice to

your Majesties Service, and a great Dishonour to

the Nation; and that his Proceedings in Jamaica,

had been a great Discouragement to the Inhabitants

of that Island, and prejudicial to your Majesties

Service; and hereupon we did, on the 29th of

March last, make an humble Address to your Ma-

jesty, That the said Graydon might not be employed

any more in Your Service; but We have been Ac-

quainted, fince the Report made Us from our Com-

mittee. That the faid Mr. Graydon is Discharged.

and We humbly befeech your Majesty. That he

may be no more imploy'd in your Majesties Ser-

vice. We humbly offer it to your Majesty as our

Opinion, That the permitting Officers to be Absent

from their Duty, is not only of ill Example, but

may prove of very fatal Consequence in time of

Service. We humbly defire leave to Observe to

your Majesty, That it appears by the Navy-Books,

in the Year 1697. (the last Year of the last War) the

Pensions amounted only to 7077 1. since which time

they are so far increas'd, that the Estimate of the

Pensions for the Year 1705, amounts to 180111. one

of these is a Pension of 3191. 17 s. 6 d. to Sir John

Munden, tho' your Majest y, upon consideration of

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the Circumstances, relating to the Expedition to Corunna, had been pleas'd to Determine, That he had not done his Duty, and that your Majesty did not think sit to continue him in your Service, and declared your Pleasure, That he should be immediately Discharged from his Post and Command in the Navy. We have been also inform'd, That the Pension of Admiral Nevil's Widow, which is set down in the Books as continuing, has not been paid for two Years past. At the same time We find the Pensions so much increas'd, We have been inform'd, That some Officers of your Majesties Fleet have been laid aside, without any Pension or Consideration, tho' no Crime or Misbehaviour has been laid to their Charge.

We beg leave to observe farther, That in the Ordinary Estimate of the Navy, deliver'd in to the Parliament, and for which Allowances were annually demanded and made, there is put down for the Prince's Council 70001. Whereas it appears, that in the Year 1702, they were only four in number; in the Year 1703 five, and six only in the Year 1704. And yet it does not appear that more than 10001, a piece has been paid to them. We also Observe, That Mr. Churchill's Appointments from the Navy, are, as Prince's Council, 10001. for Pension 5001. as Admiral of the Blue 12771. 105. and for Table Money (tho' not at Sea) 3651. in the whole 31421.

'Upon a Careful Inspection of the Admiralty-Book relating to your Majesties Ships imployed, from the first of January to the first of November 1704. as Cruizers and Convoys for the Home Trade (tho' the same be kept very Confusedly) We have extracted out of it a Scheme of the number of Ships, and the Time for which the same have been imployed in Cruizing, or as Convoys for the Protection of Trade, to which We humbly defire to refer. In that Scheme all the days are fet down, that can be found, when any of the Ships were Cruizing, and upon a Calculation, all of them together have not done the Duty of three Cruizing Ships kept confantly on the Service for ten Months. Besides several of these Cruizers were ill Chosen, and improper Ships for that purpole, as being the worst Sailers. id

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ers in the Fleet; particularly the Warspight, Expedition, Glowcester, Assistance, and Falkland, and the number of Ships that have been at any time imployed ed within that time as Cruizers, do not exceed 22, and for Home Convoys 7. Whereas in the late Warthe Parliament judged it necessary, That there should be imployed for Protection of Trade, besides the main Fleet and Foreign Convoys, 4 third Rates, 16 fourth Rates, 13 fifth Rates, and 10 fixth Rates; in the whole 43.

' Having thus humbly laid thefe our Observations before your Majesty, We rest assured that your Majesties great Wisdom, and tender Concern for the Happiness of your Subjects, will dispose you to apply the proper Remedies. Your Majesty is fully fatisfied, that the Honour and Safety of your Dominions, and the security of Trade, depend entirely upon a due Management of the Naval Affairs; and therefore We doubt not but your Majesty will consider of the fittelt Methods, and give the most effectual Orders for Restoring and Establishing the Discipline of the Navy. And as We are very sure your Majesty is touched in the most sensible manner, with the late heavy Losses of the Merchants, and the Persons of many hundred of your Seamen; So We humbly befeech your Majesty to give your · Commands, that all possible methods may be taken for the Encouragement of Seamen, the Guarding of the Coasts, and the Protection of Trade.

Her Majesties Answer to this Address, was,

My Lords,

His Address contains many Observations, I shall The Queen's

Consider them particularly, and give such Di. Answer.

rections upon them as may be most for the Advantage of the Publick Service.

on the 1 oth of November the House of Peers order'd an Address to be presented to the Queen by the Lords of the White Staves, 'That in the Exchange of the Bishop of Quebec, and other Prisoners, taken in the Ship la Seine the last Summer, Her Majesty would have regard to the Poor French Protestants in the 'Gal-

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Gallies. Which tender concern in the Lords, for those persecuted and miserable Remains of the reformed Churches of France, was universally applauded.

Affairs of Having taken a full Prospect of the Affairs of Eng. Ireland, let us Survey those of Ireland, so far as they can come within the compass of this Annual Histo-

The Parlia ry. The Parliament of that Kingdom met at Dubment meets lin the 10th of February, and his Grace the Duke of Feb. 10. Ormond, Lord Lieutenant, being come to the House of Peers, attended by the Great Officers of State, the Peers, Officers of Arms, &c. sent for the House of

The Duke of Commons, and made the following Speech to both Ormond's Houses:

Speech to

My Lords and Gentlemen,

end to the last Session, that the many good Bills that were then Passed, gave entire Satisfaction; and as I have since performed the Promise I then made you, to represent to Her Majesty the true State of this Kingdom, and with what chearsulates Her Faithful Commons gave such Supplies as their Circumstances would then permit; so I am now to assure you, Her Majesty is sully satisfied of the Loyalty and good Affections of Her Subjects here, and therefore depends, upon your having always the same good Disposition to support Her Government; and that you will never want the Regard you ought to have for Our Common Sasety.

Her Majesty is tensible of the present ill Condition of Trade; and tho' that be chiefly owing to the War, and cannot be entirely removed until the surther Success of Her Victorious Arms forces. Her Enemies to an Honourable Peace; yet I have reason to hope, that we shall soon find the good Effects of Her Majesty's Gracious Endeavours for

Our Relief.

Gentlemen of the House of Commons,

Her Majesty's Honour, and the Interest of this Kingdom, are so much concern'd in the punctual Payment of the Army, and the other necessary Charges of the Government, that I cannot doubt but you will make a suitable Provision for the same

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And that you may have a perfect View of what is owing by the Queen to Her Establishment, and what may be expected out of the several Branches of the Revenue, I have ordered the proper Officers to lay their Accounts before you; which, when you have considered, you will find, that the Arrears of the preceding Year must always be applied to make good the Payments of the present Year; and that in this time of War and Danger, there is a Necessity of having Money in the Treasury to an-

'It will likewise be very well worth your Consideration, that care be taken of the Fortifications, and of such a Supply of Arms and Ammunition, as may secure the Publick from any Insult of our

'Enemies.

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My Lords and Gentlemen,

' swer sudden Emergencies.

'that you will make use of this savourable Opportuinty that Her Majesty has been Graciously pleased to allow you, to consider of such Laws as may be further necessary for the Publick Peace and Prospeinty; and that you will chearfully concur in bringing this Session to such a happy Conclusion, as may be for the Honour of Her Majesty, and the Good of this Nation.

A Week † after both Houses severally attended † Feb. 17. his Grace with their Addresses to Her Majesty; and with an Address of thanks from each House to his Grace, for his Speech to them from the Throne. The Duke of Ormond did immediately transmit the first into England, and the same were presented to the Queen by Mr. Secretary Hedges the 23d of February. The Address of the Lords was as follows.

Subjects, the Lords Spiritual and Loyal The Lords Subjects, the Lords Spiritual and Temporal Address to in Parliament Assembled, do humbly Congratulate the Queen. the Glorious Victory obtained by Your Majesty's Forces, in Conjunction with those of Your Allies, under the Command of the Duke of Marlborough:
And we do Adore the Goodness of God for the many

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many great Successes with which he has Bleffed Your Majesty's Arms since Your happy Accession

to the Throne.

We are highly fensible how much we owe to Your Majesty for those many good Laws You were graciously pleased to give the Royal Assent to the last Session; and we esteem it our greatest Hap. piness, that we have a Queen, whose Delight is in the Safety and Prosperity of Her People, and who daily shows such tender Care of them.

We affure Your Majesty of our unshaken Fide: lity to Your Person, Crown and Government; as we are inseparably annexed to the Imperial

Crown of England, so we are resolved to oppose all attempts that may be made by Scotland, or any other Nation whatsoever, to divide us from it, or defeat the Succession of the Protestant Line, as li-

' mitted by several Acts of Parliament.

We befeech Almighty God that Your Majesty may live many Years, and always enjoy the Pleafure of Ruling in the Hearts of your Subjects, and that You may be the glorious Instrument of Relieving our Protestant Brethren Abroad, of Procu-'ring the Peace, and Afferting the Liberty of Europe, and that You may long continue the Support and Ornament of our Established Church, for all which 'You have shewn such a Princely concern.

To which Address Her Majesty was graciously pleafed to return the following Answer:

ANNE R.

IJER Majesty receives, with great Satisfaction, the Her Maje-Py's Anaffectionate Expressions of Loyalty and Duty in the wer. Address of the House of Lords; and they may be assured, of Her constant Care and Concern for the Happiness and Prosperity of the Kingdom.

The Address of the Commons runs thus:

Most Gracious Sovereign,

The Commons Address.

X/E Your Majesty's most Dutiful and Loyal ' Subjects, the Commons of Ireland in Parliament Assembled, do most humbly lay hold of this OpporOpportunity given us by Your Majesty's Grace and A. C. Favour, to Congratulate the Glorious Successes obtained by the Arms of Your Majesty, and Your Allies, by Sea and Land, more particularly those under the Conduct and Bravery of his Grace the Duke of Marlborough; by which Your Majesty has in a great Measure secured, not only the Peace and Happiness of Your own Subjects, but the Liberties of Europe, against the restless Attempts and Invasions of the French King.

'And we humbly beseech Your most Sacred Majesty, to accept our sincere and hearty Thanks and
'Acknowledgments for Your Majesty's Gracious In'terposition with Your Parliament of England, in sa'vour of this Kingdom, towards our Relief in the
'present Difficulties we labour under, humbly im'ploring the Continuance of Your Majesty's Grace

and Goodness to us.

'And we beg Leave to affure Your Majeffy, That 'Your faithful Commons will Support Your Majeffy's Government, and the Church of Ireland, as by 'Law Established, to the utmost of their Power.

'And in case any Difference shall arise between England and Scotland, will most firmly Adhere to the Imperial Crown of England, in maintaining the Succession in the Protestant Line, as the same is settled by the late Acts of Parliament made in England, against all Persons who shall attempt to Disunite Your Majesty's Kingdoms, or to own or receive any other Succession in any of them, than such Persons to whom the Succession of the Crown is by the said Acts limited and appointed.

To which Address Her Majesty was also pleased to answer as follows:

ANNE R.

HER Majesty is very well pleased with the Address of the Queen's the House of Commons: And as she is fully satisfied Answer. with their Assurances of Supporting Her Majesty, and of simily Adhering to the Imperial Crown of England, and the Protestant Succession; so they may depend on Her Majesty's Protection of that Church and State; and on Her Care, for Easing them in any Difficulties they may lie under.

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1704. The Commons of Ireland Majesty.

On the 7th of March, the House of Commons of Ireland, resolved themselves into a Committee of the whole House, to take into further consideration the Supply to be granted to Her Majesty; and also his Grace the Lord Lieutenant's Speech; and came to a grant asup Resolution, that a Sum, not exceeding One hundred ply to Her and fifty thousand Pounds be granted to her Majesty, for the Support of the necessary Branches of the Establishment for two Years, commencing the 29th of September, 1705, and ending the 29th of September, 1707. Which Resolution being reported the day following, was unanimously agreed unto by the House: And it was resolv'd, That the House should on Friday next resolve it self into a Committee of the whole House, to consider of Ways and Means for raising the Supply granted to Her Majesty. That day the House attended his Grace the Lord Lieutenant with the following Address of Thanks to Her Majesty, for Her Majesty's most Gracious Answer to their Congratulatory Address.

Most gracious Sovereign.

E your Majesty's most dutiful and loyal Sub-'jects the Commons of Ireland in Parliament' 'Assembled, beg Leave to return our humble 'Thanks for your Majesty's most Gracious Answer

to our Address.

'Your Majesty's Truly Royal Disposition and 'Transcendent Goodness expressed therein have ex-'alted our Hopes, and enabled us chearfully to sup-'port the Difficulties we lie under, till by your Majusty's Care and Prudence, we shall obtain such Ease and Relief, as Thankful Subjects may hope from the best of Queens.

'As the Glory of your Majesty's Victories over 'your Enemies, affect us with the highest Admiration, so your Majesty's Clemency and Indulgence to your People, create in us the greatest Zeal and Devotion, and inspire us with most ardent Desires to express our Gratitude to your Majesty, and our constant Resolution, not only to Support Your Ma-'jefty and your Government, but by repeated Inflances of Duty and Loyalty, to preserve our selves for ever in your Majesty's Grace and Favour.

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257 To which his Grace was pleased to Answer, 'That he A. C. would take care to transmit this Address to Her Ma-1704 lefty with great Pleafure.

Not many days after, the Lower House of Convocation of the Clergy of the Church of Ireland underflanding, 'That Heads of a Bill for the Improvement of the Hempen and Flaxen Manufactories of that Kingdom, were brought into the House of 'Commons, wherein there was a Claule to alcertain the Tithes of Hemp and Flax, which they apprebended might prove very prejudicial to the Rights and Properties of the Clergy of Ireland, with the 'care of which they were entrufted: They therefore | presented a Memorial to the House of Com + Much mons, defiring that the faid Claufe might not pass 12. in the faid Bill, until their Reasons, which they The Lower were ready to offer against it, were first heard; House of Which Message was sign'd by the Prolocutor, and Convocatifign'd by their Actuary, who was a Servant to the ", Petition Upper House of Convocation. Upon the Receipt of Bill to enthat Memorial, the Commons Voted, That the courage the Person that brought it was Guilty of a Breach of Hempen the Privilege of that House, ordered him to be Manutaken into the Custody of their Serjeant at Arms factures. and further Resolv'd, That it appeared to them, Votes of the that the Convocation in pretending to have the Commons 'Care of the Civil Rights of the Clergy, were Guilty against it. of a Contempt, and Breach of the Privilege, of that The Commons expected, that the Convocation should make a Submission, and acknowledge, 'That they had nothing to do with the Civil Rights, and that their meddling with those Rights, was a Contempt, and a Breach of the Privilege; but instead of that, the Convocation sent them a Letter, wherein they endeavour'd to Justity their Memorial. As no ways encroaching upon the Privileges of the Houle of Commons, and confequently no Breach of Privilege. Hereupon the Commons Voted, that all matters relating to this Memorial, 'should be razed out of the Journals and Books of

the Convocation: Which being like to raife greater The Parlia. Heats, his Grace the Duke of Ormond thought hit ment adtof fend a Message to both Houses, that they should journed. adjourn to the first of May next, which was done t March 21. accordingly.

A List of the Eminent Persons, who died in the Year 1704.

February -stragmi

ON the 7th of February, died the Dutchess of Buckingham, a Lady of Exemplary Goodness Dutchefs of Buckingand Vertue. She was of the Family of the Lord ham's Brook, and first marry'd to Baptist Noel, Earl of Gains. Diath. borough; but since, after his Decease, to John Duke 7. of Buckingham and Normanby.

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Earl of ton's Death.

On the 9th of the same Month died Charles Boyle, Burling- Earl of Burlington, alias Bridlington, and Cork, Vilcount Dungarvan, Baron Clifford of Lansborough, and Baron Boyle of Youghall. Richard Boyle, the Grandfather of this noble Earl, in consideration of his Assistance to King Charles the First, in the unhappy Civil Wars, and by reason of his Marriage with the Lady Elizabeth Clifford, fole Daughter and Heir to Henry, Earl of Cumberland, and Baron Clifford, &c. was, by Letters Patent, dated November the 4th, in the Twentieth Year of his Reign, advanced to the Dignity of a Baron of England, by the Title of Lord Clifford of Lansborough, in the County of York; and afterwards in respect of his own faithful Services, both in England and Ireland, and the great Merits of the same Henry, Earl of Cumberland, was by other Letters Patent, bearing date the 20th of March, 16th of Car. 2d. created Earl of Burlington, in the County of York, he being Son and Heir of Sir Richard Boyle, Kt. who was promoted to the Degree of a Baron of Ireland, by the stile of Lord Boyle of Youghall, on the 6th of September, in the Fourteenth Year of King James the First, and farther honoured with the Dignity of Viscount Dungarvan, and Earl of Cork in that Kingdom, by a Patent dated the 16th of Odober, Anno 1620. The Noble Earl now deceased, has left a Son, who is yet a Minor, to Inherit his Honours and Estate.

March On the 28th of March died Edward Ward, Lord Dudley, of the Small Pox, and under Age; but he ley's Death. left his Lady with Child.

About the same time died Henry Yelverton, Vil-Lord Lon- count Longeville, Lord Grey of Ruthin and Baronet, gueville's Brother and Heir of Charles Lord Grey of Ruthin, Death.

and Son to Sir Henry Telverton of Easton Manduit, in the County of Northampton Baronet, by Sufanna Longeville, his Wife, fole Daughter of Charles, Lord Grey of Ruthin, Which Charles being Son and Heir to Sir Michael Longeville of Wolverton in the County of Buckingham, Ktu by the Lady Susanna, his Wife, foler Heir, and Sifter to Henry the Seventh, Earl of Kent, Gord Grey of Ruthin, whose Ancester Roger de Grey (fecond son to John, Lord Grey of Wilton, fate in the Parliament held at York, Anno 1322. as Lord Grey) was upon his Claim exhibited in Parliament, begun at Westminster, November the 3d, 1640. 16 Car: 1. admitted to the Title and Dignity of Lord Grey of Ruchin, and thereupon had his Place and Precedency in that Parliament accordingly, by Writ, dated the 16th of Fabraary following, directed Carolo Longueville, de Grey, Chevalier. The Noble Lord now deceased, left a Son behind him to inherit his Honour and Estate, who is yet a Minor of about Twelve Years of Age.

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On the 8th of April died Henry Sidney, Earl of April Roman, Viscount Sidney of Sheppey, and Baron of Million. He was the third Son of Robert, sometime Earl of Romney's Earl of Leicester, was sometime Envoy Extraordinary Death. of the United Provinces, and upon the Revolution 1688. (wherein he was highly Instrumental) was made one of the most Honourable Privy Council, and for his faithful Services, preferred to the Dignity of Baron of Milton, in the County of Kent, and Viscount Sidney of Sheppey, an Ille of the same County, by Letters Patent, bearing date the 9th of April 1689. First of William and Mary, two days before their Majeslies solemn Coronation, in order to his Attendance at that Ceremony. Sometime after which, he was constituted one of the Principal Secretaries of State; next, made Lord Lieutenant of Ireland, and afterwards created Earl of Romney in Kent, (one of the Cinque Ports) on the 14th of May 1694. He was when the late King died, March 8. 1700. Groom of the Stole, and first Gentleman of the Bed Chamber to his Majesty, Master-General of the Ordnance, Captain and Colonel of the first Regiment of Foot Guards, Lord Warden of the Cinque Ports, and Constable of Dover, Lord Lieutenant of

the County of Kent, and City of Canterbury, and County of the fame City, Vice Admiral of Kenty and Custos Rosulorum of the faid County of Kent He was divelted of all these Places in her present Majefties Reign, except that of the Regiment of Guards wherein upon his Decease, he was succeeded by his Grace the Duke of Marlborough. He died unmarried. and left the Bulk of his Estate to his great Nephew, Mr. Sidney, a younger Brother of the present Earl of Leicefter.

lune Lord Pe-

On the 4th of June died Thomas Petre, Baron Petre of Writtle, whose Ancestor Sir John Petre, Son and Heir to Sir William Petre, Doctor of Laws, who had tie's Death been Secretary, and of the Privy Council to Four Kings and Queens, and feven times Amballador in Foreign Parts, was created Lord Petre of Writtle. in the County of Effex, by Letters Patent, bearing date the 21st of July 1603. in the first Year of King James the First. This Lord was a Roman Catho. lick.

Dr. Bathurff's Death.

Bucking-

ham's

Death.

On the 8th of the same Month died Ralph Barburst, Doctor of Physick, President of Trinity College in Oxford, and Dean of Wells; he was the second Son of George Bathurst of Hothorp in the County of Northampton, Efq; by Elizabeth Daughter and Coheir of Edward Villiers, of the same Place and County. He marry'd Mary, Daughter of John Triftram, Efq; by the Lady Mary Ley, Daughter of James, sometime Earl of Marlborough. This Gentleman was made Master of Trinity in 1672. he being then fifty Years of Age I know of nothing Extant of his, but some Latin Verses writ many Years ago, which discover he had a good Tafte of Poetry.

In the Month of November, the Dutchess Dowager Novemb of Buckingham departed this Lite. She was the only Daughter and Heir of Thomas Lord Fairfax, some-Datchels of time General of the Parliament's Forces against King Charles the First, and married before the Restoration to George Villiers, Duke of Buckingham, by whom the had no Children: She was a Lady of great Virtue and Goodness, and left what Personal Estate she had to the Lady—— Hickman, Sister

to the Earl of Plimouth, her Kinswoman.

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On the 21 ft of the fame Month died John Locke, Elg; M. Locke's at High Laver, in the County of Effex. He was Death. born at Pensford, in the Parish of Publice, in the Counto of Somerfee, being the Son of Mr. Locke, (sometime Steward, or Court keeper to Colonel Alexander Popham in the laid County) who left him a real Eflate of 200 l. per Annum. He was Educated in Westminsten School, from whence he was sent to Christ Church College in Oxford in 1651, where he became one of the Students of that College, and took the Degree of Batchellor of Arts, Feb. 14. 1655. He entred on the Philick Line, run through a Course of Chymiltry, and in 1672. was made Secretary to the Lord Chancellor Shaftsbury, but quitting it in 1674. when that Lord was put out, he went to Oxford, and on the 6th of February 1674, he took the Degree of Batchellor of Phylick, and Practifed there; but there being a high ferment in the Nation, and a Plot (lor, a supposed one) breaking out in 1683, he lest Oxford, withdrew to Holland, and was sometime employed there by the English Refident, to transact Bulinels between him and the Earl of Middleton, Secretary of State in England: But before this, vigo in 1684. he was pur our of the Student's Place in Christ-Church, However, he had leave. to return home in King James's time; and after the Succession of King William to the Throne, he was first made Secretary at War in 1698, then one of the Commissioners of Appeal, and afterwards, upon that Prince's erecting Lord's Commissioners of Trade, Mr. Lock was one of those appointed to Officiate by virtue of that Commission, wherein he continued till towards the latter end of 1689. when he voluntarily religned it, by reason of his Age and Bodily Infirmities, which would not allow his confrant Attendance as he desired. This learned Gentleman, dying as before faid, was buried in the Courch yard of High Laver, and that in a plain Wooden Coffin not covered with Cloth, or otherwife adorned, according to the Directions he himfelf had given in his Will, all writ with his own Hand; by which he left feveral small Legacies to Dr. Veen, and others in Holland. The Bulk of his Study he divided between Mr. Peter King, of the Middle Temple, and Mr. Francis Cudworth, Merchant,

to which last he bequeathed 3000 Pounds. He wrote several things, as, An Essay upon Humane Understanding; Thoughts of Education; a Collection of Letters concerning Toleration, Coin and Trade; The Treatises of Government, of which there have been so many Editions, but (as he himself says) all very uncorrect: The Reasonableness of Christianity, as delivered in the Scriptures; A Vindication of the reasonableness from Mr. Edward's Resistant; A several Answers to Dr. Stillingsleet, late Bishop of Worcester; and some Annotations on St. Paul's Epistle to the Galatians: and Occasional Thoughts in Reserve to a Virtuous and Christian Life, both which last were printed after his Death, without his Name.

As for his Character, take it from a Gentleman, who knew him very well, in these words, 'His Name will last as long as our present Language is "Understood, or English Men have a Relish for good Sense. His Literature was Universal, his Notions 'useful, and his Observations Critical and Just. He knew how to write Controverly, and differ in Conversation, with equal Strength and Manners. "He was as much a Master of the first, as if he had been always immured amongst Books, and yet had fo decent and winning a Behaviour, that no Courts could have added to the Complainance of his Temper. How much he could improve our Understandings, may be found by those who read what he wrote with that Intent: But this Nation can scarce pay Regard enough to his Memory, for his making feveral, who were fo much in the Wrong, 'Judge rightly of Toleration and Recomage. What he hath Written about Trade, bespoke him adequate to the Commission he once had, and Conscientiously laid down, because his infirm Body would not admit of his Attending upon it. Indeed, upon whatever occasion he employed his Pen, he wrote in a masterly Strain, thew'd compass of 'Thought, and the utmost Penetration, besides a Perspicuity scarce to be met with. He had himself a large Mind, and yet was the fatthest Man alive from ridiculing Men of a lower Form, from being Affuming and Magisterial in his Discourse; and, in short, he was as well a good Naturd, and well bred Gentleman, as a finished Schollar, and protoun d le

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found Philosopher. This being but a little Part of what might be said in his Praise, it is easie to imagine he is infinitely lamented by all, who had the Happiness of his Acquaintance; the by his own great Insight into Nature, and a constant Temperance he preserved a very weak Constitution, to an Age very sew attain to; and at last was brought to his End by a meer gradual Decay, which made him, for some time, without Consternation, expect his Change.

this Change.
The 12th of December died Sir Roger L'Estrange, Kr. Decemb. in the 88th Year of his Age. He was the second Son of Sir Hammond L'Estrange of Hunston, in the Coun-Sir Roger ty of Norfolk, Kt. by Alice, second Daughter and l'Estrange Coheir of Richard Stubb of Sedgeford in the Said his Death.

ty of Norfolk, Kt. by Alice, second Daughter and l'Estrange Coheir of Richard Stubb of Sedgeford, in the said his Death. County, Esq; It's not doubted but this Gentleman had liberal Education, but where, and after what manner I cannot find; nor, indeed, any else memorable of him, till the Year 1644, when having obtain'd a Commission from King Charles the First, for reducing of Lynn, in the County of Norfolk, then in the Possession of the Parliament, and Mr. L'Estrange going in order thereunto privately into the Parliament's Quarters, his design was discovered to Colonel Walton, the Governor, and his Person seized at Appletonball, upon which the Parliament ordered him to be tried by a Court Martial at Guildhall, London. He made as handsome a defence for himself as the Circumstances of his Case would admit of; however, he was condemned to die for a Spy: But Prince Rupert fending a Trumpeter from Oxford, with a Letter to the Earl of Effex, representing his Case to be new, and fuch, if he were Executed, as might occasion the like Usage of such as adhered to the Parliament from his Majesty's Party; ne was reprieved, and continued in Newgate several Years after, without any further hearing. After this, he became in some fort of Favour with Cromwell; but they that said he was his Fidler, did it only by way of Ridicule, for having, perhaps, once or twice plaid before him. In the Year 1660, and for some Years after, he published a confused fort of News Paper. which at length was put down by the Gazette, first let on Foot by Mr. Williamson (lince Sir Foseph) under Secretary to Mr. Secretary Nicholas, for which,

however, the Government allow'd him a Confide-

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Sometime after the Popist Plot, that broke out in 1678, when the Tories began to gain Ground over the Wbigs, as the Nation was then unhappily distinguished, he in his Observators became a migh. ty flickler for the former, and descended to every mean and trifling Story to expose the latter. He ferv'd for Winchester as a Member in the Parliament call'd by King James 1685. but things taking a quite different Turn in that Prince's Reign in Point of Liberty of Conscience, than most People expected, his Observators were disused, as not at all suiting with the Times: However, Sir Roger still continued Licenser of the Press till King William's Accession to the Throne in 1689, in whose Reign he met with fome Trouble, upon account of his being suppos'da difaffected Person: However, he went to his Grave in Peace, though he had, in a manner, furviv'd those Intellectuals, which for many Years he lived to enjoy to an uncommon Perfection, as appears by the very many things he wrote and translated, of which I shall not here give a Catalogue. He was certainly a very great Mafter of the English Tongue; how far he was so in others, I shall not offer to determine.

Celonelia.

Towards the end of this Year, Colonel Silus or Silius Titus departed this Life. He was descended from a Family call'd Tito in Italy. He became a Commoner of Christ Church, Oxon. in Lent, 1637. and continued there three Years, from whence he removed into one of the lans of Court. When the Civil Wars broke out, he became a Captain in the Parliament's Army, but afterwards adhered closely to the King's Interest. He went with the Parliament's Commissioners to him at Newcastle, thence to Holdenby, from whence he was fent Express to the Parliament in June 1647, to acquaint them the King was seiz'd by a Party of the Army, com-manded by Cornet Josee, and for his Celerity they gave him 50 l. to buy himself a Horse. He was soon after taken into Favour by Cromwel, and that Party, who would have engag'd him to persuade the King to confent to the four Propolitions fent him by the Parliament. After the Beheading of King Charles, he follow'd the Fortune of Charles the Second, acted as Groom of the Bed Chamber to that Prince, and a certain nd

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certain Author fays, That Richard Graves, and he, were the only English Men that follow'd him into Scotland. But Sir Edward Walker, was certainly there also: He was likewise at the Battle of Worcester with King Charles the Second in 1651, and after the Defeat of the Royal Army, made his Escape. Sometime after Cromwell affuming the Protectorship. he wrote a very threwd Pamphlet against him, entituled, Killing no Murder, under the borrow'd Name of Allen, wherein he would have perswaded him, for what he had done to the Nation, by way of Recompense, to make away with himself, or prov'd it lawful, for any Body else to Kill him. After the Refloration of King Charles the Second in 1660. he was in much Favour with that Prince, and made Groom of the Bed Chamber, and by a Warrant dated June the 1st, 1665, had an Augmentation of Arms gratis, viz. in a Field; Orupon a Chief imbatl'd Gules, a Lion of England. He was chosen Burgess for Lestinithiel, in the Parliament of May 1661. but was no Pensioner, as some others of that time were. the Popish Plot broke out, he became a Zealous Stickler against the Favourers of that Design and Interest, quitted his Groom of the Bed Chamber's Place, and being chosen Knight of the Shire, for the County of Huntingdon, in the Parliament held at Westminster, October 21st 1680. he made several smart Speeches for the Bill of Exclusion. However, he grew in Favour with King James, being in November 1687. introduc'd to that Prince by Mr. William Pen, with whom he join'd Interest for taking away the Penal Laws and Telt, &c. It was reported also, that he had finished a Book to shew the Use and Advantage of it. He was in June 1688. Sworn of the Privy Council to King James, together with Christopher Vane, Elq; and Sir John Trevor, Master of the Rolls. After the Revolution he ferv'd Burgess for the Town of Ludlow in Shropshire, in one or two Parliaments. He lived retiredly the latter part of his time, under the Pressures of an Advanc'd Age, which, at length, brought him to his Grave. He was buried at Bufby, in Herefordshire, the Place of his Nativity.

A true List of the Knights, Citizens and Burgesses of the Parliament, which Met at Westminster the 20th of October, 1702. as they were Returned into the Crown Office, with the Alterations to their Dissolution, 170;

Bedfoldshite 4.

THE Right Honourable Lord Edward Russel,
Sir William Gostwick, Knight and Baronet;

Town of Bedford.

William Spencer, Esquire,
The Honourable Edward Garteret, Esq;
Beths 9.

* Sir John Stonehouse, Baronet. Richard Neville, Esquire.

Borough of New-Windfor.

Right Honourable J. Lord Viscount Fitzharding. Richard Topham, Efquire.

Borough of Reading. Sir Owen Buckingham, Knight.

Tanfeild Vachel, Esquire.

Borough of Wallingford. William Jennens, Efquire,

Thomas Renda, Esquire.

Borough of Abingdon.
† Sir Simon Harcourt, Ke. Sollicitor General.

Buchs 14.

† Sir Richard Temple, Baronet.
† Right Honourable William Lord Cheney, Viscon Newhaven.

Town of Buckingham.

Sir Edmund Denton, Baranet.

Roger Price, Esquire.

Borough

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Queen ANNE's Reign. Borough of Chippingwicomb. t Charles Godfry, Efq; Fleetwood Dormer, Esq; Borough of Ailesbury. Simon Harcourt, Efg; * Sir Henry Parker, Bar. Borough of Agmondesham. * John Drake, Esq; * Sir Samuel Gerrard, Bar. Borough of Wendover. Richard Hampden, Efq; Richard Crawley, Esq; Borough of Great Marlow. * Sir James Etheredge, Kt. f James Chase, E/q; Cambridghire 6. * Granado Pigot, E/q; sir Rushout Cullen, Bar. University of Cambridge. * The Hon. Arthur Annelly, Efq; Right Hon. Henry Boyle, Esq; Town of Cambridge. Sir Henry Pickering, Bar. Anthony Thompson, Esq; Chemire 4. * Sir George Wharburton, Bar. * Sir Roger Mostyn, Bar. City of Chefter. * Sir Henry Bunbury, Bar. †* Peter Shakerley, Efq; Cornwall 44. * Sir Richard Vivian, Bar. * James Buller, Esq; Borough of Dunhivid, al. Lanceston! Rt. Hon. Henry Lord Hyde, William Cary, E/q; Borough of Leskard: William Bridges, E/9; Thomas Dodson, E/q; Borough of Lestwithiel!

The Hon. Ruffel Robarts, E/q; Sir John Molesworth, Ke, and Bar.

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1704

Borough of Truro, t Sir Philip Meadows. Henry Vincent, Ela Borough of Bodmin. † Hon. Francis Robarts, Elq; Borough of Helfton. # Francis Godolphin, Efq; Sidney Godolphin, Esq;

Borough of Saltash. * Thomas Carew, Esq;

* John Rolle, Efg;
Borough of Camelford.

Dennis Glyn, Efg;
Pole Ffg:

Borough of Portpigham, al. Westlow.

† * Charles Seymour, Esq; Jogil ober * Henry Poley, Esq;

Baringh of Grampound.

* Francis Scobell, E/93 \ Wiren A runin A ... † James Craggs, E/q; How Henry Poyle. Borough of Eaflow.

* Sir Henry Seymour, Bar. Bar. Sanisahiy

Sir John Pole, Bar.

Borough of Penryn.

Samuel Trefulis, Esq; Alexander Pendarves, Efg; Judand // 2010 Borough of Tregony

Hugh Boscawen, Eft, * Joseph Sawle, Jun. Efq; All Yundans years

Borough of Boffiney

t William Hooken, Ela marine t * John Manley, Esq;

Borough of St. Ives.

* James Prace, Elgan, I ha bivida A to de moth John Pitt, Esq;

is it my Lord tivde Borough of Foway, with the

George Granville, Fig. 19 John Hicks, E/9;

Borough of St. German.

Henry Flemming, Fig. 1 to demonstra † * John Anstis, E/9;

Borough of St. Michael

Renatus Bellott, Esq; Francis Baffet, E/9;

Borough

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Queen AN NE's Reign. Borough of Newport. Sir Nicholas Morice, Bar. 7. Richard Edgeumbes Egg * John Spark, Esq; Richard Hele, St. Mawes, and brade Sir Joseph Tredenham, Kr. X , saler o meille W 12 * John Tredenham, Efq; Borough of Callington, To Y walk Wie Samuel Rolle, Efq; Samuel Rolle, 199; Sir William Coryton, Bar. 1914. Island Samuel Walney Mannaton, 1914. Cumberland 6. † Christopher Musgrave, Esq; 18 , and Heinerlinks * †Thomas Stanwix, Esq; * Frederick Home, Egg. Borough of Cochermouth. James Stanhope, Esq; 11/18, radwo mailli VI 1 Thomas Lamplugh, Esq; Derbymire 4. * John Curzon, E/q; Pobert Juridge, 1/9; † Thomas Coke, E/q; Town of Derby. John Harpur, Efq;
Thomas Stanhope, Efq; John Harpur, Efq; Debonthire 26. Sir William Courtenay, Bar. Robert Rolle, Efq; City of Exeter. * Sir Edward Seymour, Bar. * John Snell, Efg; Borough of Totness. * Hon. William Seymour, E/q; * Thomas Coulfon, Efq; Borough of Plimouth: The Hon, Charles Trelawny, E/g; John Woolcomb, Esq; Town of Oakbampton. Sir Simon Leech, Knight of the Bath. Thomas Northmore, Esq;
Borough of Barnstaple. Nicholas Hooper, Serjeant at Law. * Arthur Champneys, Esq;

. Do-

Borough of Plympton. A. C. Richard Edgcumbe, Efq:

Richard Hele, Efg;

Borough of Honiton. * Sir William Drake, Kf. and Bar.

Sir Walter Yonge, Bar.

Borough of Taviftoke.

Tames Bulteel, Efq; Henry Mannaton, E/q;

Borough of Ashburton.

Sir Thomas Leare, Bar. Richard Reynel, Esq;

Borough of Clifton, Dartmouth, Hardnes.

* Nathaniel Herne, Bfg;

* Frederick Herne, Efq;

Borough of Boralston.

† William Cowper, E/q;

Peter King, Esq;

Borough of Tiverton.

Thomas Bere, Efq; Robert Burridge, Esq;

Pozsetwire 20.

* Thomas Strangeways, Esq;

* Thomas Chaffin, E/q;

Town of Poole.

Sir William Phipard, Kt.

William Jolliffe, Efg;

Borough of Dorchester.

Sir Nathaniel Napier, Kt. and Bar.

Nathaniel Napier, E/q;

Borough of Lyme-Regis.

Henry Henly, Esq; John Burridge, E/4;

Borough of Weymouth;

The Hon. Henry Thyune, Elg;

Anthony Henly, Esq;
Borough of Melcomb Regis.

The Hon. Charles Churchil, E/9;

deorge St. Loe, Efq:

Borough of Bridport.

Alexander Pitfield, Efg; * Richard Bingham, # 19;

Borough of Shafton, alias Shaftsbury.

Sir John Cropley, Bar. t Edward Nicholas, Efg; Si

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Queen ANNE's Reign.

Borough of Wareham:

Sir Edward Ernle, Bar.

The How. Thomas Erle, Efq:

Borough of Corffe Castle.

* John Banks, E/q;

* Richard Fownes, Esq;

Duman 4.

Sir Robert Eden, Bar.

Sir William Bowes, Kt.

City of Durham

* Sir Henry Bellasyse, Kt: Thomas Conyers, Esq;

Eller 8.

* Sir Charles Barrington, Bar.

Sir Francis Masham, Bar.

Borough of Colchester.

Sir Isaac Rebow, Kt.

Sir Thomas Cook, Ke.

Borough of Malden!

* William Fytche, Esq;

* John Comyns, Ffq;

Borough of Harwich.

Sir Thomas Davall, Ke.

t John Ellis, Efq;

Bloucestermire 8.

Maynard Colchester, E/q;

t Rt. Hon. John How, Efq;

City of Gloucester.

William Trye, Esq;

John Hanbury, Esq;
Borough of Circncester.

William Master, Efq;

Charles Cox, Efq;

Borough of Tewkesbury.

Richard Dowdeswel, Esq;

Edmund Bray, 19;

Pereforditre 8.

* Sir John Williams, Kt.

* Henry Gorges, Esq;

City of Heretord.

The Hon. James Bridges, Esq.

Thomas Foley, Esq.

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A. C.

1703.

Richard Alhton, E/q;
Richard Fleetwood, E/q;
Borough of Preston in Amounderness.
The Hon. Charles Stanley, E/q;
Sir Cyril Wych, Kt.

Queen A N.N.E's Reign Borough of Lancaster. Robert Helham, Efg. Sir Will Lowther, Bar. Deceased.

Borough of Newton. * John Ward, Efg. * Thomas Leigh of Lyme, E/q;

Borough of Wigan.

Sir Roger Bradshaigh, Bar.

* Orlando Bridgman, E/q; Barough of Clitherd. Thomas Stringer, Efg;
Ambrose Pudsay, Efg;
Borough of Leverpcole, William Clayton, Esq; John Morgan, IJ Thomas Johnson, Esq; Leicestermire 4. John Wilkins, Elquiwio Leicelter Town of Leicelter * Sir George Beaumont, Bar. Overgla l'anno fil * James Winstanley, Efg; Lincolninire 12.1 201 * Hon, Lewis Dymoke, Esq; City of Lincoln, hardy J. hard Flow Number Sir Thomas Meres, Kr.
Sir Edward Huffey, Bar. Borough of Boston, moins I maist annes break by Sir Edward Irby, Bar. Rt. Hon. Peregrine Bertie, Efq; Borough of Great Grimsby. John Chaplain, Efq; Arthur Moore, Esq; * The Hon. William Cecill, Esq; * The Hon . Charles Bertie, Efq; Borough of Grantham; Sir William Ellys, Bar. Richard Ellys, Efg; Middleter 8.4 model A. * Hugh Smithson, Esq;

1704

A. C. City of Westminster.

Thomass Cross, Esq;

Sir William Pritchard, Kr. deceafed. Sir John Fleet, Kr.

Sir Francis Child, Kt.

Sir Gilbert Heathcote, Kt.

Monmouththire 3.

John Morgan of Tredegar, Esq; Sir John Williams, Bar. Deceased. Borough of Monmouth. John Morgan, Esq;

1202folk 12.

Sir John Holland, Bar. Sir Jacob Aftley, Bar.

City of Norwich?

Thomas Blofield, Esq;
* Thomas Palgrave, Esq;

Fown of Lyn-Regis.

Sir Charles Turner, Kt. Robert Walpole, Esq;

Town of Great Yarmouth.

Benj. England, Esq; John Nicholson, Esq;

Borough of Thetford.

Robert Benson, Esq; † Edmund Soame, Esq;

Borough of Castle-rising.

† Sir Thomas Littleton, Bar. Horatio Walpole, Esq;

Porthamptonibire 9.

Sir Justiniam Isham, Bar. Thomas Cartwright, Efq;

City of Peterborough.

The Hon. Sidney Wortley, alias Montague, Esq; & Sir Gilbert Dolben, Bar.

Town of Northampton.

Sir Matthew Dudley, Bar. Francis Arundel, E/9:

Town of Brackley.
The Hon. Charles Egerton, Efq;

* John James, Efq;

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Queen ANNE's Reign. Borough of Higham Ferrars. Hon. Thomas Wentworth, Efg: Posthumberland 8. Sir Francis Blake. Kt. * Bartram Stote, Efq; Town of Newcastle upon Tine. Sir Henry Liddel, Bar. William Carr, E/9; Borough of Morpethia † Emanuel How, E/9; t Sir John Delaval, Bar. Town of Berwick upon Tweed. Samuel Ogle, E/q; Jonathan Hutchinson, Esq; Pottinghammire 8. John Thornhaugh, Efg; Sir Francis Molyneux, Bar. Town of Nottingham. George Gregory, Esq; The Hon. William Pierrepoint, Efq; Borough of East Retford. * Sir Willoughby Hickman, Bar. * William Levinz, Efq; Town of Newark apon Trent Sir Matthew Jennison, Kt. t Hon. James Saunderson, Esq; Dron 9. * Sir Robert Tenkinson, Bar. * Sir Edward Norreys, Kr. University of Oxon: * Sir William Whitlock. * William Bromley, E/q; City of Oxon. * Thomas Rowney, Esq; * Francis Norreys, E/q; Borough of New-Woodstocki * The Honourable James Bertie, Efq; * Sir William Glynn, Bar. Borough of Banbury. * The Honourable Charles North, E/q; Rutlandhire 2. Sir Thomas Mackworth, Bar. * Richard Halford, Esq;

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A. C.

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* Henry Portman, Esq;
Borough of Taunton. Sir Francis Warr, Bar. Edward Clark, Esq; Sir Thomas Wroth, Bar. George Balch, Efq; Borough of Minehead, † Alexander Lutterel, Efq; Sir Jacob Banks, Kt. Borough of Ilcester.

† Sir Francis Wynham, Bar. * James Anderton, Efq;

Borough of Milburn Port.

† Sir Thomas Travel, Ke. John Hunt, Efq;

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Richard Norton, E/g; George Pitt, E/g; City of Winchester. The Right Hon. Lord William Powlet. George Rodney Bridges, E/g; Town of Southampton. Frederick Tilney, E/g; Adam de Cardonnel, Jun. E/q; Town of Portsmouth. William Gissor, E/q; Borough of Yarmouth. Henry Holmes, E/q; Anthony Morgan, E/q; Borough of Petersfeild. Robert Mitchel, E/q; **Leonard Bilson, E/q; Borough of Newport, alias Medena. The Right Honourable John Lord Cutts. Williams Stephens, E/q; Henry Killegrew, E/q; Henry Killegrew, E/q; Borough of Newtown. Sir Thomas Hopson, Ke. John Leigh, E/q; Borough of Christ Church. William Etricke, E/q; *Francis Gwyn, E/q; Borough of Lymington. Thomas Dore, E/q; Borough of Whitechurch. Richard Woolalton, E/q; Borough of Audover. The Right Hon. John Smith, E/q; Francis Shepheard, E/q; Brancis Shepheard, E/q; Brancis Shepheard, E/q; Etaffordshire 10.	Outen Al	NE Reign	•	77.
George Pitt, Elg; Civi of Winchester. † The Right Hon. Lord William Powlet. † George Rodney Bridges, Elg; Fown of Southampton. Frederick Tilney, Elg; † Adam de Cardonnel, Jun. Elq; Town of Portsmouth. † William Gifford, Elg; † Sir George Rooke, Ke. Borough of Yarmouth. * Henry Holmes, Elg; † Anthony Morgan, Elq; Borough of Petersfeild. Robert Mitchel, Elq; * Leonard Bilson, Elq; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, Elq; Borough of Stockbridge. † Anthony Burnaby, Elq; Henry Killegrew, Elq; Borough of Newtown. † Sir Thomas Hopson, Ke. John Leigh, Elq; Borough of Christ-Church. † William Ettricke, Elq; * Francis Gwyn, Elq; Borough of Lymington. † Thomas Dore, Elq; Paul Burrard, Elq; Borough of Andover. † The Right Hon. John Smith, Elq; Francis Shepheard, Elq; * Laffordshitte Lo. † The Honourable Henry Paget, Elq; Edward Bagot, Elg;				
George Pitt, Elg; Civi of Winchester. † The Right Hon. Lord William Powlet. † George Rodney Bridges, Elg; Town of Southampton. Frederick Tilney, Elg; † Adam de Cardonnel, Jun. Elg; Town of Portsmouth. † William Gifford, Elg; † Sir George Rooke, Ke. Borough of Yarmouth. * Henry Holmes, Elg; † Anthony Morgan, Elg; Borough of Petersfeild. Robert Mitchel, Elg; * Leonard Bilson, Elg; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, Elg; Borough of Stockbridge. † Anthony Burnaby, Elg; Henry Killegrew, Elg; Borough of Newtown. † Sir Thomas Hopson, Ke. John Leigh, Elg; Borough of Christ-Church. † William Ettricke, Elg; * Francis Gwyn, Elg; Borough of Lymington. † Thomas Dore, Elg; Paul Burrard, Elg; Borough of Andover. † The Right Hon. John Smith, Elg; Francis Shepheard, Elg; * Laffo20fitte Lo. The Honourable Henry Paget, Elg; Edward Bagot, Elg;	South	impton 20,	A.	6.A
The Right Hon. Lord William Powlet. George Rodney Bridges, \$\(\xi_g \); Frederick Tilney, \$\(\xi_g \); Adam de Cardonnel, \$\(\xi_n \) in \$\(\xi_g \); Frown of Portsmouth. William Gifford, \$\(\xi_g \); Sir George Rooke, \$\(\xi_e \) Borough of Yarmouth. * Henry Holmes, \$\(\xi_g \); Anthony Morgan, \$\(\xi_g \); Borough of Petersfeild. Robert Mitchel, \$\(\xi_g \); Borough of Newport, alias Medena. The Right Honourable John Lord Cutts. * Williams Stephens, \$\(\xi_g \); Borough of Stockbridge. Anthony Burnaby, \$\(\xi_g \); Henry Killegrew, \$\(\xi_g \); Henry Killegrew, \$\(\xi_g \); Borough of Newtown. Sir Thomas Hopson, \$\(\xi_g \); Borough of Christ Church. † William Etricke, \$\(\xi_g \); Francis Gwyn, \$\(\xi_g \); Borough of Lymington. † Thomas Dore, \$\(\xi_g \); Borough of Andover. † The Right Hon. John Smith, \$\(\xi_g \); Francis Shepheard, \$\(\xi_g \); **Laffo20fitte 10. The Honourable Henry Paget, \$\(\xi_g \); Edward Bagot, \$\(\xi_g \); Edward Bagot, \$\(\xi_g \);	Richard Norton, Elq;	ANG GIGIDAY	13 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	01/2
† The Right Hon. Lord William Powlet. † George Rodney Bridges, \$\mathbb{E}/g\$; † Town of Southampton. Frederick Tilney, \$\mathbb{E}/g\$; † Adam de Cardonnel, \$\mathbb{G}un. \mathbb{E}/g\$; † Adam de Gardonnel, \$\mathbb{G}un. \mathbb{E}/g\$; † Sir George Rooke, \$Ke. * Borough of Yarmouth. * Henry Holmes, \$\mathbb{E}/g\$; † Anthony Morgan, \$\mathbb{E}/g\$; * Borough of Petersfeild. * Robert Mitchel, \$\mathbb{E}/g\$; * Leonard Bilfon, \$\mathbb{E}/g\$; * Borough of Newport, \$\mathred{a}\text{iss}\$ Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, \$\mathred{E}/g\$; * Borough of Stockbridge. † Anthony Burnaby, \$\mathred{E}/g\$; * Borough of Newtown. † Sir Thomas Hopfon, \$Ke. John Leigh, \$\mathred{E}/g\$; * Borough of Christ Church. † William Ettricke, \$\mathred{E}/g\$; * Francis Gwyn, \$\mathred{E}/g\$; * Francis Gwyn, \$\mathred{E}/g\$; * Borough of Lymington. † Thomas Dore, \$\mathred{E}/g\$; * Borough of Andover. † The Right Hon. John Smith, \$\mathred{E}/g\$; * Francis Shepheard, \$\mathred{E}/g\$; * Francis Shepheard, \$\mathred{E}/g\$; * Leonard Bagot, \$\mathred{E}/g\$; * London Shepheard, \$\math	George Pitt, E/g;	1275-b- Q		n
Frederick Tilney, E/g; Fown of Portimouth. William Gifford, E/g; For George Rooke, Ke. Borough of Yarmouth. *Henry Holmes, E/g; Borough of Petersfeild. Robert Mitchel, E/q; *Leonard Bilfon, E/q; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. *Williams Stephens, E/q; Borough of Stockbridge. † Anthony Burnaby, E/q; Henry Killegrew, E/q; Borough of Newtown. † Sir Thomas Hoplon, Ke. John Leigh, E/q; Borough of Christ Church. † William Extricke, E/q; *Francis Gwyn, E/q; Borough of Lymington. † Thomas Dore, E/q; Paul Burrard, E/q; Borough of Whitechurch. Richard Woolaston, E/q; John Shrimpton, E/q; Borough of Andover. † The Right Hon. John Smith, E/q; Francis Shepheard, E/q; Latticolstite 10. † The Honourable Henry Paget, E/q; Edward Bagor, E/g;	Diele Hen Lord W	7:Iliam Dartis	Comments.	
Frederick Tilney, E/g; Adam de Cardonnel, Jun. E/q; Fown of Portimouth. † William Gifford, E/g; † Sir George Rooke, Kt. Borough of Yarmouth. * Henry Holmes, E/q; † Anthony Morgan, E/q; Borough of Petersfeild. Robert Mitchel, E/q; * Leonard Bilfon, E/q; Borough of Newport, alias Medena. † The Right Homourable John Lord Cutts. * Williams Stephens, E/q; Borough of Stockbridge. † Anthony Burnaby, E/q; † Henry Killegrew, E/q; Borough of Newtown. † Sir Thomas Hopfon, Kt. John Leigh, E/q; Borough of Christ Church. † William Ettricke, E/q; * Francis Gwyn, E/q; Borough of Lymington. † Thomas Dore, E/q; Paul Burrard, E/q; Borough of Mhitechurch. Richard Woolaston, E/q; † John Shrimpton, E/q; Borough of Andover. † The Right Hon. John Smith, E/q; Francis Shepheard, E/q; * Last Othitte 10. † The Honourable Henry Paget, E/q; Edward Bagor, E/g;	Goorge Rodney Bridge	e Fla:	3 14 77	
Frederick Tilney, Efg; † Adam de Cardonnel, Jun. Efg; Town of Portsmouth. † William Gifford, Efg; † Sir George Rooke, Kt. Borough of Yarmouth. * Henry Holmes, Efq; † Anthony Morgan, Efq; Borough of Petersseild. Robert Mitchel, Efq; * Leonard Bilson, Efq; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, Efq; Borough of Stockbridge. † Anthony Burnaby, Efq; Henry Killegrew, Efq; Borough of Newtown. † Sir Thomas Hopson, Kt. John Leigh, Efq; Borough of Christ Church. † William Extricke, Efq; * Francis Gwyn, Efq; Borough of Lymington. † Thomas Dore, Efq; Paul Burrard, Efq; Borough of Whitechurch. Richard Woolaston, Efq; † John Shrimpton, Efq; † John Shrimpton, Efq; Trancis Shepheard, Efq; Francis Shepheard, Efq; * ** **Taffo.** Office to. * **Taffo.** Office to. * **Taffo.** Office to. ** The Honourable Henry Paget, Efq; Edward Bagor, Efg;	Town of	Southampton		
William Gifford, Efq; Sir George Rooke, Ke. Borough of Yarmouth. * Henry Holmes, Efq; Anthony Morgan, Efq; Borough of Petersfeild. Robert Mitchel, Efq; * Leonard Bilfon, Efq; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, Efq; Borough of Stockbridge. † Anthony Burnaby, Efq; Henry Killegrew, Efq; Barough of Newtown. † Sir Thomas Hopfon, Ke. John Leigh, Efq; Borough of Christ-Church. † William Etricke, Efq; * Francis Gwyn, Efq; Borough of Lymington. † Thomas Dore, Efq; Paul Burrard, Efq; Borough of Whitechurch. Richard Woolaston, Efq; John Shrimpton, Efq; Borough of Andover. † The Right Hon. John Smith, Efq; Francis Shepheard, Efq; Staffordshire 10. † The Honourable Henry Paget, Efq; Edward Bagor, Efg;	Frederick Tilney, Ela:	R 1 U/S	On a Onday	
William Gifford, Efq; Sir George Rooke, Ke. Borough of Yarmouth. * Henry Holmes, Efq; Anthony Morgan, Efq; Borough of Petersfeild. Robert Mitchel, Efq; * Leonard Bilfon, Efq; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, Efq; Borough of Stockbridge. † Anthony Burnaby, Efq; Henry Killegrew, Efq; Barough of Newtown. † Sir Thomas Hopfon, Ke. John Leigh, Efq; Borough of Christ-Church. † William Etricke, Efq; * Francis Gwyn, Efq; Borough of Lymington. † Thomas Dore, Efq; Paul Burrard, Efq; Borough of Whitechurch. Richard Woolaston, Efq; John Shrimpton, Efq; Borough of Andover. † The Right Hon. John Smith, Efq; Francis Shepheard, Efq; Staffordshire 10. † The Honourable Henry Paget, Efq; Edward Bagor, Efg;	+ Adam de Cardonnel.	Jun. Efg:	and baclesi	
William Gifford, Efq; Sir George Rooke, Ke. Borough of Yarmouth. * Henry Holmes, Efq; Anthony Morgan, Efq; Borough of Petersfeild. Robert Mitchel, Efq; * Leonard Bilfon, Efq; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. * Williams Stephens, Efq; Borough of Stockbridge. † Anthony Burnaby, Efq; † Henry Killegrew, Efq; Borough of Newtown. † Sir Thomas Hopfon, Ke. John Leigh, Efq; Borough of Christ-Church. † William Ettricke, Efq; * Francis Gwyn, Efq; Borough of Lymington. † Thomas Dore, Efq; Paul Burrard, Efq; Borough of Whitechurch. Richard Woolaston, Efq; Borough of Andover. † The Right Hon. John Smith, Efq; Francis Shepheard, Efq; Laftordhitte 10. † The Honourable Henry Paget, Efq; Edward Bagor, Efg;	hanes of	Portimonitra		
*Henry Holmes, E/q; †Anthony Morgan, E/q; Borough of Petersfeild. Robert Mitchel, E/q; *Leonard Bilson, E/q; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. *Williams Stephens, E/q; Borough of Stockbridge. † Anthony Burnaby, E/q; † Henry Killegrew, E/q; Borough of Newtown. † Sir Thomas Hopson, Ke. John Leigh, E/q; Borough of Christ-Church. † William Ettricke, E/q; *Francis Gwyn, E/q; Borough of Lymington. † Thomas Dore, E/q; Paul Burrard, E/q; Borough of Whitechurch. Richard Woolaston, E/q; † John Shrimpton, E/q; Borough of Andover. † The Right Hon. John Smith, E/q; Francis Shepheard, E/q; Laffordshitte Lo. † The Honourable Henry Paget, E/q; Edward Bagot, E/q;	William Gifford, Efq;	iler, is peak at the	* John Con	
*Henry Holmes, E/q; †Anthony Morgan, E/q; Borough of Petersfeild. Robert Mitchel, E/q; *Leonard Bilson, E/q; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. *Williams Stephens, E/q; Borough of Stockbridge. † Anthony Burnaby, E/q; † Henry Killegrew, E/q; Borough of Newtown. † Sir Thomas Hopson, Ke. John Leigh, E/q; Borough of Christ-Church. † William Ettricke, E/q; *Francis Gwyn, E/q; Borough of Lymington. † Thomas Dore, E/q; Paul Burrard, E/q; Borough of Whitechurch. Richard Woolaston, E/q; † John Shrimpton, E/q; Borough of Andover. † The Right Hon. John Smith, E/q; Francis Shepheard, E/q; Laffordshitte Lo. † The Honourable Henry Paget, E/q; Edward Bagot, E/q;	Sir George Rooke, Kt		Was tamon't	
*Henry Holmes, E/q; Borough of Petersfeild. Robert Mitchel, E/q; *Leonard Bilfon, E/q; Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. *Williams Stephens, E/q; Borough of Stockbridge. † Anthony Burnaby, E/q; † Henry Killegrew, E/q; Borough of Newtown. † Sir Thomas Hopfon, Ke. John Leigh, E/q; Borough of Christ-Church. † William Extricke, E/q; *Francis Gwyn, E/q; Borough of Lymington. † Thomas Dore, E/q; Borough of Whitechurch. Richard Woolaston, E/q; † John Shrimpton, E/q; Borough of Andover. † The Right Hon. John Smith, E/q; Francis Shepheard, E/q; *Lastochtive 10. † The Honourable Henry Paget, E/q; Edward Bagot, E/q;	Borough	of Yarmouth.		
Robert Mitchel, Eq; *Leonard Bilson, Eq; *Borough of Newport, alias Medena. † The Right Honourable John Lord Cutts. *Williams Stephens, Eq; Borough of Stockbridge. † Anthony Burnaby, Eq; † Henry Killegrew, Eq; Borough of Newtown. † Sir Thomas Hopson, Ke. John Leigh, Eq; Borough of Christ-Church. † William Ettricke, Eq; *Francis Gwyn, Eq; Borough of Lymington. † Thomas Dore, Eq; Paul Burrard, Eq; Borough of Whitechurch. Richard Woolaston, Eq; John Shrimpton, Eq; Borough of Audover. † The Right Hon. John Smith, Eq; Francis Shepheard, Eq; Laffordstre 10. † The Honourable Henry Paget, Eq; Edward Bagot, Eq;	Henry Holmes, Efq;	D. G. S. Honovel.	A The Re. Horn	
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* Joseph Girdler, Serjeant at Law.

Thomas Guy, E/9;

Suttolk 16. * The Rt. Hon, Lyonell, Earl of Dyfert. Sir Dudley Cullum, Bar.

Borough of Ipswich.

* John Bence, E/9; Charles Whitaker, Serjeant at Law. Borough of Dunwich,

* Sir Charles Blois, Bar.

* Robert Kemp, Esq;

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* Sir Edmund Bacon, Bar.

* Sir Edward Turner, Kt.

Borough of Alborough.

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†* George Dashwood, Esq;

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† Sir Joseph Jekyll, Kt. Borough of St. Edmundsbury.

† Sir Thomas Felton, Bar.

* Sir Robert Davers, Kt.

Surrey 14.

Sir Richard Onllow, Bar.

* Leonard Weffel, E/9;

Borough of Southwark.

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Queen ANNE's Reign.

Borough of Blechingley.

John Ward, E/9; Sir Robert Clayton, Kt.

Borough of Rygate.

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Morgan Randyll, Efq; Denzill Onflow, E/q;

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Honourable Maurice Thompson, E/q;

Thomas Onflow, Efq;

Borough of Hallemere.

* George Vernon, Efq; * Thomas Heath, E/9;

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Borough of Horsham.

Henry Cowper, Efg; John Wicker, Efg;

Borough of Midhurst.

John Lewkener, Esq;

Lawrence Alcock, Efq;

Borough of Lewes.

Sir Nicholas Pelham, Kt. Richard Paine, Efg;

Borough of New Shoreham.

John Perry, Esq;

Nathaniel Gould, Efg;

Borough of Bramber.

Samuel Sambrooke, E/9;

John Asgill, Esq;

Borough of Steyning.

Sir Edward Hungerford, Knight of the Bath.

† Charles Goreing, E/g;

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1704.

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Henry Chivers, Esq;

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Borough of Malmesbury.

Thomas Bowcher, Efq; t Edward Pauncefort, Efq,

Borough of Cricklade.

Thomas Webb, Efq; Samuel Barker, Efq;

Borough of Great Bedwin.

The Honourable James Bruce, Esq;

Francis Stonehouse, Esq;

Borough of Lugershall.

t Edmund Webb, Efq, John Webb, Esq;

Borough of Old Sarum.

* William Harvey, Esq;

Charles Mompesson, Esq;
Borough of Wotton-Basset.

Henry St. John, Jun. Esq;

*Henry Pinnell, Efq;

Borough of Marlborough.

The Honourable Robert Bruce, Esq; Edward Jeffreys, Esq;

Morcesterspire 9.

* Sir John Packington, Bar.

† William Walsh, Esq; Ciry of Worcester.

Samuel Swift, E/q:

Thomas Wylde, E/q; Borough of Droitwich.

Edward Foley, Esq;

† Charles Cocks, E/q; Borough of Eversham.

* Hugh Parker, Esq;

John Rudge, Esq;

Borough of Bewdley:

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1704. † The Rt. Hon. William Lord Marquis of Hartington.

Sir William Robinson, Bar.

Tobias Jenkins, Esq;

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William Maister, E/q;

Borough of Knaresborough,

* Robert Byerley, Esq; Christopher Stockdale, Esq;

Borough of Scarborough.

William Tompson, Esq; John Hungerford, Esq;

Borough of Rippon.

John Sharpe, Esq; Sir William Hustler, Ke.

Borough of Richmond.

* Thomas Yorke, E/q; * James Darcy, /q;

Borough of Heydon.

† Anthony Duncombe, Efg;

† Henry Guy, Esq;

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Sir Bryan Stapylton, Bar.

Borough of Malton.

Sir William Strickland, Bart.

† William Palmes, Esq;

Borough of Thirsk.

Sir Godfrey Copley, Bart. † Sir Thomas Frankland, Bar.

Borough of Alborough.

Robert Monckton, E/q; William Jeflopp, E/q;

Borough of Beverly.

t Sir Charles Hotham, Bar.

William Gee, Esq;

Borough of Northallerton.

Robert Dormer, Esq; John Aislaby, Esq;

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BARONS of the Cinque

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Ports (16.)

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Thomas Fag, Esq; t Edward Southwell, Efg; Town of Winchelfea. George Clarke, Efq; lames Hayes, E/q;

Town of Seaford. Sir William Thomas, Bar.

William Lowndes, Esq;

WALES. (24.)

Analeser 2. The Right Honourable Richard Lord Viscount Bulkeley. Borough of Beaumaris. Coningsby Williams, Esq; Biecott 2.

John Jeffreys, Efg; Town of Brecon-Sir Jeffry Jeffreys, Ke.

THANNALS # A. C.A Cardigan 2. * Sir Humphrey Mackworth, Kr. Town of Cardigan 10 Henry Lloyd, Esq; Carmarthen 2. Griffith Rice; Efgradamenta mini / Town of Carmarthen. Richard Vaughan, Efg; 1910(1919) Carnarban 2700 14 * The Honourable Thomas Bulkely, Efq; Town of Carnarvan. * Sir John Wynne, Kt. and Bar. Denbiah 2. . Urnele, Sir Richard Middleton, Bar. Town of Denbigh. Edward Brereton, Esq; Tunt 2. * Sir Thomas Hanmer, Bar. Town of Flint Thomas Mostyn, Esq; Blamozgan 2. The Honourable T. Manfel of Margam, Efg; Town of Cardiffe. Thomas Mansell of Britton Ferry, Esq; Dertoneth 1. Richard Vaughan, Esq; Montgomery 2. * Edward Vaughan, Esq;
Town of Montgomery. * John Vaughan, Esq; Membroke 3. 1. Sir Arthur Owen, Bar. Town of Pembroke. John Meyrick, Elg. Haverford Well. John Langhorne, Esq. Coning by Williams, Kondon Racounds Thomas Harley, Efg.

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Queen ANNES Reign

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to el ch, or be elected, to the faid meeting of Ist ice in Parliana und danistation That is the obligation or Lordon danista Score Title, and not having an Elige of a sool Yearly Renowithin

The Act of Security, Pass'd in the Parliament of Scotland, and which had the Royal Affent on the Fifth of August, 1704, and Impowered to act and administrate

ent in made thater mentioned

UR Sovereign Lady the Queen's Majelty, with Advice and Confent of the Estates of Parliament, doth hereby statute and ordain, That in the event of Her Majesty's Death, or of the Death of any of Her Majesty's Heirs and Successors, Kings or Queens of this Realm, this prefent Parliament, or any other Parliament that shall be then in Being, shall not be diffolved by the faid Death, but hall, and is hereby required and ordain'd, if Affemi bled, to fit and Act in manner after mention'd, not-Withstanding of the said Death. And if the said Parliament shall be under Adjournment, the time of the faid Death, it shall, not withstanding, meet precisely at Edinburgh the 20th Day after the Death aforesaid. excluexcluding the Day thereof, whether the Day of the

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And it is farther flatuted and ordained, That in case there shall be no Parliament in Being at the time. of the faid Death, then the Estates or Members of the last preceding Parliament, without regard to any o's ther Parliament that may possibly be indicted, but never met, nor constitute, shall meet at Edinburgh on the 20th Day after the faid Death, the Day there. of excluded. And farther providing, That in all or any of the faid Cafes, if there shall happen to be any vacancy of a Member, by realon of Death or Promotion, the Barons or Burghs concerned shall have power to chuse and supply the said vacancy in the accustomed manner. As likewise, That in all or any of the faid Cases, no Person who hath been, is, or shall be then Papilt, and hath not purged himself from Popery, by taking the Formule set down in the third Act of the Parliament 1700, before the faid Death, shall be capable to be a Member of, or to elect, or be elected, to the faid meeting of the Estates in Parliament. And siclike, That no Englishman, or Foreigner, having a Scots Title, and not having an Estate of 120001. Yearly Rent within this Kingdom, thall in the event aforefaid have place and vote in the faid meeting of Estates. And the Estates of Parliament appointed, in case of the Death aforefaid, to continue or meet as above, are hereby Authorized and Impowered, to act and administrate the Government in manner after-mentioned; that is, That upon the Death of her Majesty leaving Heirs of her own Body, or failing thereof, lawful Succeffors defigned or appointed by her Majesty, and the Estates of Parliament, upon the Death of any fucceeding King or Queen, leaving Heirs or Succeffors as faid is, the faid Estates, of Parliament are Authorized and Impowered, after having read to the Heir or Successor the Claim of Right, and defired them to accept the Government in the Terms thereof, to require of and administrate to the faid Heir or lawful Successor, by themselves, or such as they shall commissionate, the Coronation Oath, and that with all convenient speed, not exceeding thirty Days after the meeting of the faid Estates, it the faid Heir or Successor be within the Isle of Britain

Months after the said meeting, in order to the exerciling the Royal Power, conform to the Declaration of the said Estates contained in the Claim of Right

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As also in the Case of the said Heir or Successor. their being under Age, which, as to the Exercise of the Government, is hereby declared to be, until their attaining to seventeen Years compleat, to provide for, order and lettle, within the space of fixty Days after the faid Meeting, a Regency for the Kingdom, until the faid Heir or Successor take the Coronation Oath, and do actually enter to the exercise of the Government; the Regent or Regents to be appointed always having the Claim of Right read to him, or them, as above, and he or they taking at his or their entry the Coronation-Oath, and to continue for fuch space as the said Estates shall appoint, after the entry of which Heir or Succellor to the exercise of the Government in manner atorelaid, or in fettling the Regency in case of under Age, the said Estates of Parliament, shall only continue to fit and act for the space of three Months, unless they be sooner lawfully adjourned or dissolved by the said Heir or Successor's being entred, or by the Regent or Regents lawfully feetled as faid is.

And farther, Upon the Death of her Majesty, without Heirs of her Body, or a Successor lawfully designed or appointed as above, or in the case of any other King or Queen thereaster succeeding, and deceasing without lawful Heir or Successor, the aforestaid Estates of Parliament conveened, or meeting, are hereby authorized and impowred, to nominate and declare the Successor to the Imperial Crown of this Realm, and to settle the Succession thereof upon the Heirs of the said Successor's Body; the said Successor, and the Heir of the said Successor's Body, being always of the Royal Line of Scotland, and of the

True Protestant Religion.

Providing always that the same be not the Successor to the Crown of England, unless that in this present Session of Parliament, and any other Session of this, or any other ensuing Parliament during her Majesty's Reign, there he such Conditions of Government settled and enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom.

The Appendix.

Ringdom, the Freedom, Frequency and Power of Parlia, ments, the Religion, Liberty and Trade of the Nation, from English, or any Foreign Influence, with Power to the laid Meeting of Estates, to add such farther Conditions of Government, as they shall think necessary, the same being consistent with, and no ways Derogatory from thise which shall be enacted in this, and any other Session of Parliament during her Majest's Reign.

And it is hereby declared, That the said meeting of the Estates shall not have power to nominate the said Successor to the Crown of this Kingdom, in the Event above expressed, during the first Twenty Days after their Meeting, which Twenty Days being elapsed, they shall proceed to make the said Nomina.

tion with all convenient Diligence.

And it is hereby exprelly provided and declared. That it shall be High-Treason for any Person or Perions to administrate the Coronation-Oath, or be Wit. nesses to the administrating thereof, but by the ap. pointment of the Estates of Parliament, in manner abovementioned, or to own, or acknowledge, any Person as King or Queen of this Realm, in the Event of Her Majesty's Decease, leaving Heirs of Her Body, until they have fworn the Coronation Oath, and accepted the Crown in the Terms of the Claim of Right, and in the Event of Her Majesty's Decease, without Heirs of Her Body, till they fwear the Coronation Oath, and accept on the Terms of the Claim of Right, and of such other Conditions of Government, as shall be setled in this, or any ensuing Parliament, or added in the said meeting of Estates, and be thereupon declared and admitted as above, which Crime shall be Irremissible, without consent of Parliament.

And because in the aforesaid Interval of Twenty Days, betwirt the said Death and meeting of Estates of Parliament, in case there be no Parliament assembled for the time, it is necessary that the Administration of the Government be provided for in that Interim. Therefore it is hereby declared. That in case of the Death of Her Majesty, or of any succeeding King or Queen of this Realm, in all, or any of the Events above mentioned: The aforesaid Administration shall be in the Hands of such of the Members of the said Estates of Parliament, and such Members of the Pri-

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he riPrivy Council, last in Being, as shall be at Edinburgh the time of the said Death, or shall come to Edinburgh before the aforesaid twentieth Day, and shall Meet in the Parliament House there, which Members of the Estates, and the said Members of the Privy Council, are hereby impowered, to sit, and act in the said Interim, for preserving the Peace and Quiet of the Kingdom allenarly, and till the said Meeting of Estates, and no longer, 30 of the said Members of the Estates and Members of the former Council being a Quorum, the plurality being always of the Estates who were not of the former Council.

And it is hereby farther flatuted and ordained, That all Committions granted to the Officers of Estate, Lords of Treasury and Exchequer, President of the Privy-Council, and all other Civil Commissions that are now granted during pleasure, shall, by the Decease of the King or Queen reigning, become null and void, excepting Sheriffs, Srewards, and Justices

of the Peace, in their respective Bounds.

And for a farther Security to this Kingdom, Her Majeft, with Advice and Consent aforesaid, statutes and enads. That the whole Protestant Heretors, and all the Burghs within the same, Shall forthwith provide themselves with Fire-Arms for all the fencible Men, who are Protestants, within their respective Bounds, and those of the Bore proportioned to a Bullet of fourteen Drop weight running; and the said Heretors and Burghs are hereby impowered and ordained, to discipline, and exercise their Said fencible Men, once in the Month at least, the said Heretors always taking the Oath of Alleagiance and Assurance; as also such Heretors or fencible Men who are sufpetted of Popery, are hereby appointed, when required, to take the Formula mentioned in the Act of Parliament 1700, and that before the Sheriff of the Shire, or any other Judge, within whose Jurisdiction they reside.

And it is hereby likewise statuted and ordained, That upon the Decease of Her Majesty, or any of Her Heirs or Successors, the Commissions of all Officers of the standing Forces above a Captain, shall immediately become void and null; and that the Captains of the several Troops and Companies, and the Lieutenants of those who shall have belonged to the Colonels, Lieutenant Colonels, and Majors, do continue to command their respective Troops and Companies.

tinue to command their respective Troops and Com-

panies, without extending their Command any far. ther, under pain of Treaton, till further Orders from

the faid Estates or Committee in the Interval.

And farther, Her Majesty with Advice and Confent aforesaid, requires and ordains all Officers and Soldiers, which shall happen to be in daily Pay, at the time of the Decease aforesaid, to continue in, or immediately repair to their respective Garrisons and Quarters, and not to remove from thence, but by Order of the faid Estates or Committee above-men. tion'd, upon pain of Treason.

And lastly, Her Majesty, with Advice and Confent aforesaid, Rescinds Casses and Annuls the seven. teenth Act of the Session of the Parliament 1696, and all other Laws and Acts of Parliament, in fo far

as they are inconsistent with this Act.

Numb. II.

The Letter from the Duke of Marlborough to their High and Mightinesses, dated at the Camp at Ubermargen, July 3.

High and Mighty Lords, Pon our arrival at Onderingen, on Tuefday, I under stood that the Elector of Bavaria had detach'd ' the best of his Foot to guard the Post of Schellenberg, where he had been casting up Intrenchments for some Days, because it was of great Importance; therefore "I resolved to attack him there, and march'd yesterday 'Morning by Three a Clock at the head of a Detachment of 6000 Foot, and Thirty Squadrons of our Troops, and Three Battalions of Imperial Grana-' diers; whereupon the Army begun their march to follow us, but the way being very long and bad, we could not get to the River Wernitz till about Noon, and twas full Three a Clock before we could lay Bridges for Transporting our Troops and Cannons; ' fo that all things being ready, we attack'd them about Six in the Evening. The Attack lasted a full · Hour, the Enemies defended themselves very vigoroully, and were very strongly entrench'd; but at 'last were obliged to retire by the Valour of our 131667

Men, and the good God has given us a compleat

'Victory.

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'We have taken 15 Cannon, with all their Tents and Baggage. The Count d' Arco, and the other Generals that commanded them, were oblig'd to 'fave themselves by swimming over the Danube. heartily wish your High and Mightiness good suc-'cess from this happy beginning, which is so glorious for the Arms of the Allies, and from which, I hope, by the Affiltance of Heaven, we may reap many Advantages. We have lost very many brave Offi. cers, and we cannot enough bewail the loss of the Heers Goor and Beynheim, who were kill'd in the Action. The Prince of Baden and General Thungen are flightly wounded. Count Stirum has receiv'd a Wound cross his Body, but, 'tis hop'd, he will recover. The Hereditary Prince of Heffe Caffel, Count Horn, a Lieutenant-General, and Major General Wood, and the Heer Pallandt, are also wounded. I can at present give your High and Mightinesses no more Partiularcs, but will not fail to do it the first Opportunity.

'A little before the Attack begun the Baron of Moltenburgh, Adjutant General to Prince Eugene, was sent to me by his Highness, with Advice, that the Mareschals of Villeroy and Tallard were march'd to strasburgh, having promis'd a great Reinforcement to the Elector of Bavaria by way of the Black-For-rest: and I had Advice by another Hand, that they design'd to send him 50 Battalions and 60 Squadrons of their best Troops. Since I was Witness how much the Heer Mortagne distinguish'd himself in this whole Action, I could not omit doing him the Justice to recommend him to your High and Mightinesses, to make up to him the loss of his Ge-

neral; wherefore I have pitch'd upon him to bring

this to your High and Mightinelles, and to inform

I remain, &c.

Duke of Marlborough:

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Numb.

Numb. III.

The Lift of the English kill'd or wounded at Schellenbergh, as the respective Colonels have deliver'd it to the Duke of Marlborough, is as followeth.

FOOT.

Of the Foot Guards, Lieur. Coll. Blount, Capt. Raleigh, Capt. West, Quarter Master Bibey, kill'd. Lieut. Coll. Primrose, Lieut. Coll. Farrars, Capt. Adams, Capt. Pocock, Ensign Smith, Ensi. Pearson, Ens. Rich, Ens. Denys Pujolas, wounded. Sergeants kill'd 75, wounded 8, Centinels kill'd 75, wounded 127.

General Churchil's Regiment, Enf. Harrison, Enf. Caldicut, kill'd. Centinels kill'd 3, wounded 27.

Of the Earl of Orkney's 1st Batallion of Scotch Royal. Capt. Murray, Enf. Mac. Dugal, Enf. Mac Ilroy, kill'd, Coll. White, Major Cockburn, Capt. Hume, Capt. Irwyn, Capt. Brown, Lieut. Kid, Lieut. Balatine, Enf. Strat. ton, Enf. Cunningham, Enf. Stuart, wounded. Sergeants kill'd 1, wounded 2. Centinels kill'd 38, wounded 102.

Of the Earl of Orkney's 2d. Batallion, Capt. Baily, Lieut. Levinston, kill'd. Major Kerr, Capt. Carr, Lieut. Pearson, Lieut. Moor, Lieut. Vernel, Lieur. Hay, Lieut. Dickson, Lieut. Hamilton, Ens. White, Ens. Mac Queen, Ens. Mac Onway, Ens. Moremere, Ens. Elliot, Ens. Inglis, Ens. Moor, wounded. Sergeants kill'd 1, woun-

ded 12, Centinels kill'd 76, wounded 184.

Of the Lord North and Grey's Regiment, Capt. Croy, kill'd. Sergeants wounded 3. Centinels kill'd 13, wounded 36.

Of Brigadeer Webb's Regiment, Enf. Savage kill'd. Enf. Bezier, Enf. Mason, wounded. Sergeants woun-

ded 2. Centinels kill'd 5, wounded 31.

Of the Earl of Darby's Regiment, Major Mordaunt, Enf. Charleton, kill'd. Lieut. Coll. Hamilton, Capt. Coghlan, Enf. Key, wounded. Sergeants kill'd 1, wounded 1. Centinels kill'd 19, wounded 34.

Of Brigadeer Hamilton's Regiment, Capt. Leas, Ens. Gillman. Ens. Walsh, Ens. Pensant, wounded Sergeants kill'd 1, wounded 3. Centinels kill'd 11,

Of

wounded 32.

The Appendix.

Of Brigadeer How's Regiment, Capt. Bolton, Capt. Lesley, Lieut. Morris, wounded. Sergeants kill'd 1, wounded 3. Centinels kill'd 9, wounded 19.

Of Brigadeer Row's Regiment, Capt. Kygoe, Lient.

30hnston, Lieut. Fo. Campbell, wounded.

Of Brigadeer Ferguson's Regiment, Capt. Lamson, Lieut. Seaton, wounded. Sergeants kill'd i, wounded

. Centinels kill'd 18, wounded 57.

Of Lieur. Gen. Ingoldsby's Regiment, Capt. Harman, Capt. Ogilvy, Lieut. Frazier, Lieut. Agan, Lieur. Price, kill'd, Coll. Sabin, Lieut. Coll. Jones, Major Ingoldsby, Capt. Eyme, Lieut. Jeveran, Lieut. Katrick, Lieut. Richards, Lieut. Cadroy, Lieut. Piggot, Lieut. Aldy, Lieut. Jones, wounded. Sergeants kill'd 6, wounded 6, Centinels kill'd 60, wounded 156.

Of the Duke of Marlborough's Regiment, Capt. Powel kill'd. Capt. Bally, Lieut. Stapleton, Lieut. Walley, Lieut. Gardiner, wounded. Sergeants kill'd

1. Centinels kill'd 28, wounded 44.

Of Coll. Meredith's Regiment, Lieut. Cornwall, Lieut. Boukam, Enf. Billing, Enf. Jack fon, kill'd. Col. Meredith, Lieut. Cairns, Lieut. Neale, Lieut. Biron, Lieut. Scutnerby, Enf. Welfh, Enf. Onflow, Enf. Wood, Enf. Ogilby, Enf. Kent, wounded. Sergeants kill'd 1. wounded 3. Centinels kill'd 18, wounded 57.

DRAGOONS.

Of the Lord Haye's Regiment, Capt. Douglas, kill'd. Captain Young, Lieut Maltary, wounded. Private Men kill'd 7, wounded 17.

Of Brigadeer Ros's Regiment, Major Caldwel, Cornet Hamilton, wounded. Private Men kill'd 4, woun-

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HORSE.

Of the five Regiments of Horse, Capt. Carrington, Adjutant Skelton, kill'd. Major Gen. Wood, Col. Palmer, Major Napper, Lieut. Tettefolle, Lieut. Kyrle, Cornet Charles Lawes, Cornet Ward, Cornet Clarke, wounded. Private Men kill'd 13, wounded 53.

Mr. Ogletborp, Adjutant to the Duke of Marlborough, receiv'd a Pistol Shot thro' the Leg, and had a Contusion on one of his Thighs by a Musquet shot,

and is fince dead of his Wounds.

Total of Officers kill'd 29, wounded 86. Of Sergeants and private Men, kill'd 407, wounded 1031.

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The Emperer's Letter to the Duke of Marlborough, upon the Victory near Donawerr.

LLustris sincere Dilecte. Multa sunt & eximia vestra in me, Domumq; meam & rem communem merita, interque ea non postremo loco censenda Sin. gulare Studium, Cura & Diligentia, quæ in promo. vendo, festinandoque validissimo Auxilio à Serenis. 'fima & Potentissima Magnæ Britanniæ Regina, & Generalibus Fœderati Belgii Ordinibus, Mihi ad Danubium Submisso testati estis. Nullum vero adhuc duco illustrius quam quod illico post exercitus Vestri cum meo conjunctionem in celerrima fortif-'fimaque Caltrorum hostilium ad Donaverdam aggressione expugnationeque, die hujus labentis Men. sis Secunda, Vobis comparastis; hujus enim Successûs, quo mihi vix gratius atque hoc quidem tempore opportunius quicquam accidere potuit, potifimam partem Confilio, Prudentiæ & Executioni veftræ, nec non Copiarum sub Ductu vestrò Militantium, miro Ardori & Conffantiæ deberi, iplimet Belli Duces mei & Ministri afferunt.

Præterquam igitur, quod tam præclara fortium & egregiorum Virorum Testimonia, atque ipsa adeo publicorum sactorum Remuneratrix Fama, Nomini vestro laudes rependant amplissimas, me quoque, quem commoda ex illa victoria in publicam rem profluentia imprimis afficiunt, id vobis debere existimavi, ut hoc literarum mearum calculo partam vobis gloriam condecorarem, simulque certos vos redderem, nullam medimissurum occasionem reipsa vobis declarandi, quam gratam & propensam erga

vos Voluntatem geram.

Vos interim, ut quæ tam strenuè sortiterque cœpistis, pari Alacritate & industria prosequamini, omniq; animi & virium impetu, unà cum supremo meo Locumtenente Generali Marchione Badensi, aliisq; Belli Ducibus meis in id incumbatis, quò contexatis extrema cum primis, Bellumque noc in visceribus Germaniæ, a Bavaro seditios è excitatum quam celerrime conficiatis, non tam vos hortor quam certè expecto; in hoc enim summam Laudem

& Gloriam effe, idq; & iplimet Serenissimæ Reginæ vestræ in Superiori Germania, ubi post Hominum Memoriam Victricia Anglicani Nominis Arma vifa haud sunt, sempiterni instar Trophæi fore, abunde agnofcetis.

Quod superest Deum precor, ut Consilia Aususque veltros fecundis eventibus beet, & propenfilinum Animi mei affectum vobis iterum iterumg; confirmo. Dabam in Urbe mea Viennæ 12mo Julii,

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The Translation of the foregoing Letter.

LLustrious Sincerely Beloved. Your Deserts towards Me, my House, and the Common Cause, are great and many, and the fingular Application, Care and Diligence, which you have express'd in bringing up, and haftening the powerful Succours, which the Most Serene and Potent Queen of Great Britain, and the States General of the United Netherlands, have lent me to the Danube, are not to be rank'd in the last place, but nothing can be more glorious than what you have done after the Conjunction of your Army with mine, in the most speedy and vigorous Attack, and forcing of the Enemies Camp near Donawert the 2d of this Month; fince my Generals themselves and Ministers declare, that the succes of that Enterprize (which is more acceptable and advantagious to me, in this prefent time, than almost any thing elfe that could befal me) is chiefly owing to your Councils, Prudence and Execution, and the wonderful Bravery and Constancy of the Troops, who have fought under your Command.

Therefore, altho' the Testimony of those great Men, and Fame it self, the Rewarder of Noble Actions, do highly and justly extol your Name; I, who reap the first advantage which this Victory brings to the Common Caule, have thought my felf oblig'd to honour and illustrate the Glory you have gain'd, by the Testimony of my Letter, and to assure you, that I shall lose no opportunity to shew you by effects, how greatful and well inclin'd I am towards Mean time, that you carry on with the same Alacrity and Industry, what you have so valiantly and rigoroully begun, and that in conjunction with the Markgrave of Banen, my Lieutenant General, and

other Commanders of my Troops, you use your unmost Endeavours and Force, that the end may answer this beginning, and that the War which the Bavarians has seditiously rais'd in the Bowels of Germany, may be brought to a most speedy Conclusion. I do not so much exhort you to, as I am consident of it; for you cannot but be fully satisfy'd, that there is the highest Glory and Honour therein, and that this will be an eternal Trophy to your most Serene Queen in the Upper Germany, where the victorious Arms of the English Nation were never seen in the Memory of Man. I pray God to bless, with a prosperous Success, your Councils and Enterprizes, and I consist to you again and again the most favourable Inclination and affection of my Mind towards you.

Given in my City of Vienna, July the 12th, 1704.

Numb. V.

A Letter written by the Duke of MARLBO-ROUGH on Horseback, with a Leaden Pencil, to his Dutchess.

August 13. 1704:

Have not time to say more, than to beg of you to present my Humble Duty to the Queen, and to slet her Majesty know, That her Army has had a Glorious Victory: Monsieur Tallard, and two other Generals, are in my Coach, and I am following the rest: The Bearer, my Aid de Camp, Colonel Park, will give her Majesty an Account of what has passed: I shall do it in a day or two, by another more at large.

Marthorough:

Numb. VI.

A Letter from the Same, to Mr. Secretary Harley.

Camp at Hochstet, Thursday Morning.

I Gave you an Account on Sunday of the Situation we were then in, and that we expected to hear the Enemy would pals the Danube at Lawingen, in order

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order to attack Prince Eugene. At Eleven that Night we had an Express from him, That the Enemy were come over, and desiring he might be reinforc'd as foon as possible; whereupon I ordered my Brother Churchill to advance at One a Clock in the Morning with his 20 Batallions, and by Three the whole Army was in Motion. For the greater Expedition, I ordered part of the Troops to pass over the Danube, and follow the march of the 20 Batallions. and with most of the Horse, and the Foot of the First Line, I patied the Lech at Rain, and came over the Danube at Donawert, so that we all join'd the Prince that Night, intending to advance, and take this Camp of Hochster. In order whereto, we went out on Tuesday early in the Morning with 40 Squadrons to view the Ground, but found the Enemy had already possess'd themselves of it: Whereupon we refolv'd to attack them, and accordingly we march'd between Three and Four Yesterday Morning from the Camp at Munster, leaving all our Tents standing; about fix we came in view of the Enemy, who, we found, did not expect to early a Visit. The Cannon began to play about half an hour after Eight: They formed themselves in two Bodies, the Elector with Monsieur Marsin and their Troops on our Right, and Monsieur de Tallard, with all his own, on our Left, which last tell to my share. They had two little Rivulets, besides a Morals, before them, which we were obliged to pass over in their view, and Prince Eugene was forc'd to take a great compals to come to the Enemy, so that it was One a Clock before the Battle began. It lasted with great vigour till Sun-set, when the Enemy were obliged to retire, and by the Bleffing of God we obtain'd a compleat Victo-We have cut off great numbers of them, as well in the Action, as in the Retreat, belides upwards of 30 Squadrons of the French, which I push'd into the Danube, where we saw the greatest part of them perish: Monsieur de Tallard, with several of his General Officers, being taken Prisoners at the same time: And in the Village of Bleinheim, which the Enemy had Intrench'd and Fortify'd, and where they made the greatest Opposition. I oblig'd 26 12 Squadrons of Dragoons,

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to Surrender themselves Prisoners at Discretion. We took likewise all their Tents standing, with their Cannon and Ammunition, as also a great number of Standards, Kettle Drums and Colours, in the Action; so that I reckon the greatest part of Mon. fieur Tallard's Army is taken or destroy'd. The Bravery of all our Troops on this occasion cannot be express'd, the Generals, as well as the Officers and Soldiers, behaving themselves with the greatest *Courage and Resolution: The Horse and Dragoons having been oblig'd to charge four or five 'feveral times. The Elector and Monfieur de Marsin were fo advantageously posted, that Prince Eugene could make no Impression on them till the third Attack, at near Seven at Night, when he made a great "flaughter of them! But being near a Wood fide, a good Body of Bavarians retired into it, and the rest of that Army retreated towards Lawingen, it being too late, and the Troops too much tired to purfue them far. I cannot fay too much in the Praise of the Prince's good Conduct, and the Bravery of his Troops, on this occasion. You will please to lay this before her Majesty, and his Royal Highness, to whom I fend my Lord Tunbridge with the good News. I pray you will likewife inform your felf, and let me know her Majesty's Pleasure, as well relating to Monsieur de Tallard, and the other General Officers, as for the Disposal of near 1200 other Officers, and between 8 and 9000 Common Soldiers, who being all made Prisoners by her Majesty's Troops, are entirely at her Disposal; but as the Charge of sublisting these Officers and Men mult be very great, I presume her Majesty will be in-"clin'd that they be Exchang'd for any other Prifoners that offer,

Directions for the Disposal of the Standards and Colours, whereof I have not yet the number, but guess there cannot be less than 100, which is more than has been taken in any Battle these many Years.

You will easily believe, that in so long and vigorous an Action, the English, who had so great a Share in it, must have suffered as well,

in Officers as Men, but I have not yet the particulars. I am,

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Your most Obedient humble Servant,

MARLBOROUGH.

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The Duke of MARLBOROUGH's Letter to the States of the United Provinces, -

High and Mighty Lords,

ed had to the white I should.

Gave my felf the Honour to write on Sunday lafe to your High Mightinesses, to acquaint you with our Refolution to beliege Ingolftat, and with the posture of the Enemy. The same Day in the Evening, we were inform'd that the Enemy had pass'd the Danube at Lavingen, whereupon I order'd about Midnight General Churchill, who had that day pass'd the Danube, with 20 Batallions, to reinforce Prince Eugene, and at 3 of the Clock in the Morning, I march'd with the rest of the Army, and for greater Expedition, part of the Forces march'd the same way as General Churchill had done, and the Horse with the first Line of the Infantry pass'd the Lech at Rhain, and the Danube at Donawert. join'd Prince Eugene the same Day in the Evening, and incamp'd the Right at Appertzhofen, and the Left at Munster, deligning to incamp the next Day in the Camp of Hochstet; But when Prince Eugene and I went to view the same with 40 Squadrons, we found that the Enemy had prevented us, and were posted therein, whereupon we resolv'd to march against them, as we did Yesterday. The Army was in motion at Two in the Morning, which the Enemy did not expect, and we came in fight about fix, and began to Cannonade between 8 and 9. As the Enemy had two Rivulets before them, and a fort of a Moras, the Cavalry was oblig'd to file, and Prince Eugene forc'd to fetch a great Compais about; and it was full One of the Clock in the Afternoon before we could engage. The Enemy form'd two Bodies, the Elector and Monsieur de Marsin had the Left, and Monsieur de Tallard the Right

Right with all his Forces. It was my Lot to have to do with the latter. The Action grew very hot, and lasted till Sun set, when it pleas d God to bless the Allies with one of the greatest and most compleat Victories that ever was. It is impossible to express the Bravery of our Troops, and the Generals Offi. cers and Soldiers deserve all the Praises that can be given. The Horse were oblig'd to renew the charge 4 or 5 times, but I have not time now to enter into the Particulars. The whole Army of the Enemy was routed. We made a terrible flaughter of them, and took their Camp with their Cannon and Am. munition. On my fide we drove above 30 Squadrons into the Danube, where we law them perish for the most part. We have taken Monsieur de Tallard, with many of the General Officers Prisoners. The Enemy had fortify'd a Village call'd Bleinheim, wherein I have taken 26 Batallions, and 12 Squadrons, all Prisoners at Discretion. We have befides taken a great number of Standards and Colours.

I have not yet a particular Account of what was done in the Right, but the good Conduct of Prince Eugene, and the Bravery of his Troops, have shined in a particular manner on this glorious Day, upon which, I could not defer any longer to Congratulate your High Mightinesses, referring to Colonel Panton, one of my Adjutants General, who was in the Action, to give you the further Particulars by Word of Mouth. I am, &c. Signed, The Duke of Marlborough, from the Camp of Hachstet, August the 14th. 1704.

Numb. VIII.

Another Letter from the Same to the Same.

High and Mighty Lords,

Gave my self the Honour to write to your High Mightinesses on Thursday last by Collonel Panton, one of my Adjutants General, to impart to you the happy success of the Arms of the Allies in Germany, and the glorious Victory which we have obtain'd over the Enemy, of which we feel every day the good Influence, The number of Prisoners encreal e Tave

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encrease hourly, and we reckon to have now about 11000, besides about 1200 Officers. I must consess that great number is very troublesome to us, there being sew places in this Country to put them in. This obliges me to desire your High Mightinesses to do me the honour to let me know whether we may send down by Water, the share of the Prisoners belonging to England and your High Mightinesses, that they may be disposed of in the places of the United Provinces. Mean time we shall endeavour to ease our selves of them in this Country, as soon as possible, for nothing else shops us here.

'As the Face of Affairs, in this Country, is wholly 'chang'd at present, Prince Eugene and I have imparted to Prince Lews of Baden our Sentiments; that to amuse our selves at the Siege of Ingolstade 'at present, will be but losing of time, and that we believe it will be more advantageous for the good of the Common Cause, to join all our Forces to streighten more and more the Enemy, and oblige the French to quit Germany, and repais the Rhine; for then nor only Ingolftadt, but also the whole Country of Bavaria must fall of themselves. 'We have an Instance of it in the Case of the City of Augsburgh, which the Enemy quitted Yester-'day morning. Their Deputies are come hither to defire our protection, and a detachment is marching thither to take polletion thereof. We hourly expect an answer from the Prince of Baden on this subject.

This day we have return'd Thanks to God through the whole Army, for his tavour towards us, which appears the more conspicuous, in that the Enemy own, that their Army consisted of 28 Batallions and 147 Squadrons, which were advantageously posted; whereas we had but 64 Batallions and 166 Squadrons, of which number 1500 Horse were detach'd with the Prince of Baden. This Evening we are to make publick rejoycings, by a general discharge of all our Artillery, and small

Shot, throughout the Army.

'I have nothing farther to add, but I cannot conclude, without repeating to your High Mightinesses, that the Valour and good Conduct of the Baron

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de Hompesch, and your other Generals, and also the Bravery which the Officers and Soldiers of your Troops have expressed on this occasion, deserve the greatest Encomiums. I therefore flatter my self, that in filling up the vacancies, your High Mightinesses will have a particular Regard for such who have been in the Action, and for the recommendation of their Generals, who were Eye Witnesses of their Behaviour. I am, &c. Sign'd,

The Duke of Marlborough.

From the Camp at Steinheim, August 17. 1704.

Numb. IX.

Their High and Mightiness's Letter to my Lord Duke of Marlborough, in Answer to that of his Grace, which was brought to them by Colonel Panton.

Colonel Panton has brought us your Excellency's welcome Letter, dated from the Camp at Hochfledt the 14th Instant, and has related to us what passed in the Memorable Battle fought the Day be-

We return your Excellency most hearty Thanks for the speedy notice you were pleased to send us of so agreeable News. After the first Blow you gave them at Schellenberg, we had reason to expect somewhat much greater would follow, but never durst have carry'd our Hopes so far as to think of so Glorious and compleat a Victory, as you have, with the Army of the Allies, gained over the Enemy.

The Action of that day has placed the greatness of your Merit in its true Lustre: A Day whose Glory might have been envied by the greatest Captains of past Ages, and whose Memory will endure thro' all

'Ages to come.
'We heartily Congratulate your Excellency upon
this Occasion, and rejoice for the Glory you have

this Occasion, and rejoice for the Glory you have acquired, as well as for the Advantage the Common Cause has obtain'd thereby. This Action will let France see that her Troops are not Invincible, and will prove such a Blow, as that King never selt in the whole Course of his Reign. And therefore we give Thanks to God, whose Goodness has blessed your brave Attempt, and pray that he will prosper

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prosper more and more your Generous Designs: Affuring you, That none can be with greater Esteem and more Sincerity than we are, &c.

Numb. X.

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The Mareschal de Marsin's Letter to the King of France, concerning the Battle at Hochstet.

ON the toth, in the Morning we had Advice that Prince Lewis of Baden, with 24 Batallions and 31 Squadrons, was detach'd from the Enemies Camp to beliege Ingolftadt, upon which we resolved to march to Lavingen: And the Post of Hochstet being found most advantageous, the Elector encamped his Army there. On the 12th we called a Counfel of War, to confider whether we should stay for the Enemy, who was marching towards us, and 'resolv'd we should. On the 13th in the Morning the Armies came in light of one another. Marefchal Tallard and his Troops had the Right, and the 'Elector and I were on the Left. Prince Eugene was on the Enemies Right, and the Duke of Marlborough on their Left; the Enemy spent the whole Morning in Movements, to draw themselves up with Advantage; and at nine a-Clock the Cannon began to play on both fides. About one a Clock 'the Battle grew hot; the Elector broke the Enemies Right several times, but they immediately ral-'lied again. Their Foot stood bravely to it, being 'supported by their Horse. Our Right did likewise make feveral advantageous Charges upon their Left, but about nx at Night the Enemy passed a Morals, which our Ingineers thought unpallable, and attack'd our Right on the Flank and broke the fame. 26 Battallions and 4 Regiments of Dragoons threw themselves into the Villag cot Bleinheim, where they were encompassed by the Enemy, and oblig'd to furrender.

When the Elector saw this unhappy Result, we resolved to retire with the Lest and the Body of the Battle to Ulm, some of the Cavalry of the Right join'd us; but several Squadrons not being able to come up with the Body, threw themselves into the Danube, where Mareschal de Tallard was I ken.

We arrived yesternight at Ulm with 31 Battallions and 62 Squadrons without being pursued, and have saved 18 Cannon, with part of the Baggage. Of your Majesty's, and the Bavarian Troops, there are 10000 kill'd, besides what are taken, but we have very many wounded; abundance of Officers and Soldiers, who have escap'd from the Enemy, join us continually. I shall speedily send your Majesty an Account of the State of our Army after the Battle, that it may be compar'd with that sent by the Elector sive days ago.

Numb. XI.

The Duke of MARLBOROUGH's Letter to the States General. From the Camp at Sefelingen.

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High and Mighty Lords.

I Gave my felf the Honour to write to your High Mightinelles on Sunday last, from Steynheim, The next day after, the Mareschal of Tallard, with the other Officers of Note, was sent towards Franckfore and Hanau, under a Guard of Dragoons: We have made the Repartition of the other Prisoners, who are fent into the Neighbouring Places, that they may be more eafily Guarded, till they are fent away. Their number is greater than was at hift believ'd, fince they excede 13000 Officers and Soldiers, including about 3000, which have Listed themselves in the Confederate Troops. On Tuesday the Army decamp'd and march'd to Gondelfingen. Yesterday we advanc'd to Ober Elchingen, and this day to this Camp, which is about half a League from Ulm. We have found a great number of Officers buried in the Villages through which we march'd, and some Citizens of Ulm assure us, that when the Enemy march'd from thence, they carried away above 7000 wounded, amongst whom were about 1000 Officers. They burnt a great many Waggons, to make use of the Horses to carry off the Officers upon Brancars (this is a fort of a Litter;) our Hussars, and several Parties of Horse, follow them very closely, who, together with the Boors, have kill'd a great number of the Soldiers of the Enemy, whom they found stragling.

We begin to fireighten Ulm, expecting the arrival the prince of Baden, who passed the Danube this day at Denamers, and as soon as he is come. this day at Deservers, and as foon as he is come, and that we have regulated what Troops are to carry on this Siege, I shall advance towards the bine, with the Forces that I have the honour to Command. This morning a Deputy of the City Memingen came to our Camp, to defire our Protection; and reports, That the Electores of Bavaris was gone through that place, with 5 of her Children, under a Guard of 14 Squadrons, to join the Elector, who, according to our last advices, was bout Duclingen, with the Mareschal of Marsin, am, occ. Sign'd;

The Duke of Marlborough.

Numb. XII.

A Lift of the English Officers kill d and wounded in the Battle of Bleinheim.

FOOT.

OF the Battallion of Guards. Col. Phil. Dormer. kill'd. Lord Mordaunt, Capt. Ja. Dormer, Capt.

Powek, Enf. Reeves, Enf. Campion wounded.

Ot the Lord Orkner's two Battalions. Col. White, Enf. Mac Conway, Enf. Craig, kill'd. Capt. Ja. Cumningham, Lord Forbes, Capt. Montgomery, Capt. Bruce, Capt. Lindley, Lient. Harroway, Lieut. Lifle, Ent. Hume, wounded.

Of General Churchil's Regiment, Lieut, Serimpfour, Lieut. Pelfrey, kill'd. Lieut. Col. Peyton, Major Herley, Capt. Meols, Capt. Luke, Capt. Slaughter, Entign Montgomery, Enf. Bolton, Enf. Campion, Enf. Smith,

wounded.

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Of Brigadier Webb's Regiment. Capt. Leon. Lloyd,

Lieut. Beifer, wounded.

Of the Lord North and Gray's Regiment. Capt. Daws, Sir 3. Sands, Capt. Cavendifts, Capt. Burton, Lieut. Freer, Lieut. Weeks, Enf. Breames, Enf. Dawfon, kill'd. Lord North and Gray, Major Glanville, Capt. Cumingbam, Captain Spotswood, Lieut. Buller, Lieut. Doylblane, Lieux Hornby, Enfign Croy, Enf. Rossington, Wounded

OE

Of Brigadier How's Regiment, Major Cornwellin, Capt. Tankard, Lieut. Kerr, Lieut. Simmons, Enf. 34ck-fon, kill'd. Lieut. Col. Breston, Major Armstrong, Capt. Villebonne, Capt. Gaston, Lieut. Bareon, Lieut. Dickenson, Lieut. Harrison, Enf. Lesty, Enf. Hargrave, Enf. Edwards, Enf. Dean, Enf. Patrick, Enf. Dawson, Wounded.

Of the Earl of Derby's Regiment. Capt. Cogblan, Lieut. Brown, Enf. Sabin, Enf. Hoskerb, kill'd. Col. Hamilton, Capt. Heskerb, Capt. Fleming, Capt. Lee, Capt. Horne, Lieut. Vicarige, Lieut. Jack Jon, Lieut. Ayloff, Lieut. Reddifb, Enf. Gordon, Enf. Mackrich, Enf.

Hook, wounded.

Of Brigadier Hamilton's Regiment. Capt. Browne, Capt. Rolliston, Enf. Moyle, kill'd. Major Cane, Capt. Pennetiere, Capt. Huffey, Capt. Vauclin, Lieut. Smith, Lieut. Roberts, Lieut. Weddle, Lieut. Blackney, Lieut.

Harvey, Enf. Trip, wounded.

Of Brigadier Row's Regiment! Col. Dalyel, Capt. Stretton, Sen. Capt. Stretton, Jun. Lieut. Vandergracht, Lieut. Will. Campbell, Lieut. Travallion, kill'd. Brigadier Row, Major Campbell, Capt. Crawford, Capt. Fairlee, Lieut. Dunber, Lieut. Ja. Douglas, Lieut. Elliot, Lieut. Ogilvy, Lieut. Maxwell, Lieut. Stuare, Lieut. Primrofe, Lieut. Gorden, wounded.

Of Brigadier Ferguson's Regiment, Capt. Campbelly Lieut. Arch. Douglas, Lieut. Season, Lieut. Moncriff, Enf. Hay, kill'd. Lieut. Col. Levinston, Capt. Smart, Capt. Blackader, Capt. Borthwick, Capt. Wilson, Lieut. Ferguson, Enf. Bernard, Enf. Maclein, Enf. Ogilvy, Enf. Row, Enf. Dalrimple, Enf. Olephant, Enf. Marshal, Quar-

cor-Mafter Stephen on, wounded and large

Of Lieutenant General Ingoldsby's Regiment. Major Geo. Morgan, Capt. Hen. Cookman, Lieut. Hugh Smith, Lieut. Griffith Jones, Lieut. Baily, Lieut. Fleet-wood Dormer, Lieut. Rowland, Lieut. John Paterson, Adjutant Powel, wounded.

Of the Duke of Marthorough's Regiment. Capt. Fitz-Simmons, Capt. Bails, Lieu. Farros, kill'd. Capt. Titchburn, Capt. Pollinfen, Capt. Gardiner, Capt. La Coude, Lieut. Finch, Lieut. Alboreton, Lieut. Whitehall,

Enf. Turner, Enf. Douglas, wounded.

Of Col. Meredith's Regiment. Lieut. Cairnes, Lieut. Edmonds, Lieut. Biron, wounded. B

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The Dragoons suffer'd so little, that only the Ad-

HORSE.

Of Lieutenant General Lumley's Regiment, Lieut.

Barton, Adjutant Kingston, wounded.

Of Lieutenant General, Wood's Regiment, Lieut. Col. Featherstonebagh, Corner Odiarn, kill'd. Capt. Armstrong. Capt. Shute, Lieut. Dove, Cornet Forrester,

Cornet Stevenson, wounded:

Of Lieut. General Windham's Regiment. Major Chenevix, Lieut. Payne, Cornet Thompson, Corn. Sanders, Quarter Master Crocker, kill'd. Capt. Windham, Lieut. Hall, Cornet Ward, Cornet Nevil, Lieut. Edmonds, wounded.

Of the Duke of Schomberg's Regiment. Major Creed, Lieut. Hawker; Quarter-Master Charleson, kill'd. Capt. Prime, Cornet Creuseau, Lieut. Palmes wounded.

Of Colonel Codogan's Regiment. Lieut. Grebeir,

kill'd.

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The following Officers died afterwards of their Wounds, viz. Brigadier Row, Lord Forbes, Captain in the Royal Regiment of Foot; Captain Luke, of General Churchil's Regiment; Captain Vauclin of Brigadier Hamilton's Regiment, and Captain Gardiner of the Duke of Marlborough's Regiment.

The Regiments named in this Lift, with the Lord John Hay's, and Major General Rofs's Regiments of Dragoons, are all the English and Scotch Forces that march'd up with the Duke of Marlborough into

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A List of the Prisoners of Note, taken at the Battle of Bleinheim.

THE Mareichal de Tallard; Marquis de Montperou, Maistre de Camp General of Horse;
Monsieur de Hausefeuille, Maistre de Camp General
of Dragoons; Marquis de Mariveaux, Lieutenant General; Marquis de Blansac, Marshal de Camp of Foot;
Monsieur de Valseme, Marshal de Camp; Marquis
de la Valière, Marquis de Silly, Brigadier General of
X 2
Horse:

Horse: Mottieut Descouville, Monsieut d'Amieté Chevalier de Groeff, Monsieur de St. Second, Monsieur de Signey, Monsieur de Montfore, Brigadiers General of Foot: Monsieur de Montfore, Brigadiers General of Dragoons: Marquis de Seppeville, Monsieur de la Masser, Brigadiers-General of the Gens d'Ams; Marq; de Sassenge, Aid de Gamp, and Son in law to the Marcschal de Tallard: Marquis de St. Pouange, the Chevalier de Ligenday, Colonels of Horse: Marquis de Nomm, Colonel of the Regiment of Provence; Count de Tavannes, Count Sebacq, Monsieur Bliancours, Monsieur Saubeuf, Count de Lionne, Marquis de Lasse, Baron d'Essen, Colonels of Foot; Marquis de Vasse, Marquis d'Auves, Captain of the Gens d'Arms; Monsieur de Corman, Second Lieutenant of the Gens d'Arms; Monsieur de Colonel; Monsieur d'Ovillars, Ensign of the Gens d'Arms; Monsieur de Colonel; Monsieur d'Ovillars, Ensign of the Gens d'Arms; Monsieur de Colonel; Monsieur d'Ovillars, Ensign of the Gens d'Arms; Monsieur de Colonel; Monsieur d'Ovillars, Ensign of the Gens d'Arms; Monsieur de Colonel; Monsieur d'Ovillars, Ensign of the Gens d'Arms; Monsieur d'Ovillars, Ensign of the Gens d'Arms;

A Lift of the French Troops made Prisoners at Discretion in the Village of Bleinheim, the 13th of August, 1704.

Lour Regiments of Dragoons, viz. That of the Maistre de Camp General, La Reine, Vass, Rouan, consisting of three Squadrons each. Seventeen Regiments of Foot, viz. Navarre three Battalions, Senneterre 2, Creder German 2, Aunis 2, Arton 2, Provence 1, Languedoc 2, Blaisois 1, Argentois 1, Surlaube 2, St. Second 1, Lass 1. Boulonnois 1, Mourroux 1. Montfort 2, Royal 3, Or the Artillery 1. In all, 28 Battalions.

Numb. XIV.

The Emperor's Letter to the Duke of Marloorough, upon his Grace's Victory at Hochstet.

Lubenter admodum his Dilectionem vestram compello nominibus, quam non tam propter antiquinimam præclaræ Familæ suæ Nobilitatem quam ob propria decora & insignia in Me, Dominimam

The Appendix.

mumque menti augustam & facrum Romanum l Imperium merita, inter Romani Imperii Principes Imperium merita, inter Romani Imperii Principes sponte mea cooptandam duxi. Extare nimirum volui criam hoc maximi in Germania Honoris à Me in Vos mento collati publicum Monumentum. quo magis omnibus pateat, quantum cum Sereniffime Magne Britannie Regine, quod Rebus meis & Imperii ob perfidam Bavari ad Gallum defectionem non levitur concussis, eximias supperias in Vindeliciam & Bavariam usque sub ductu vestro milerit, tum Dilectioni vestræ Me & Imperium debere ultro agnofcam, quod tam prudenter, tam fortiter, tam prosperè res gestæ sint; cum non Fuma fola fed mez quoque Militiz Supremi, Labomm vestrorum & Victoriarum Socii & Participes. eas veltris imprimis Confiliis & Virtuti Anglicarumque, & Aliarum Copiarum fub directione veftra militantium Fortitudini, acceptas reterant, Tanta vero has funt, præsereim Hochsteldensis, cui parem de Gallis reportatam a Secula non noverunt, retro ut non modo Hoftium perniciolissimos conatus repulsos. & Vacillantis non nihil Germania, feu verius universe Europa, Res rursus firmatas effe gratulari possimus, sed etlam porro sperare liceat, plenam mox & integram Christiani Orbis Libertatem, contra Gallicam Potentiam ejus Cervicibus imminentem, feliciter affertum iri. Quod cum Dilectionem veltram studia & operam suam omnem fine cettatione impensuram certus abunde sim, id mihi solum superest, ut fortunatos successus apprecer, Vobisque uberioragratissimi animi documenta, quavis occasione promptissime exhibenda denue pol-I licear.

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Debantur in Urbe mea, Vienne 28 Augusti 1704.

The litteral Translation of that Letter.

Most Illustrious Cousin, and most dear Prince, I do gladly call by these Names your Grace, whom I have freely, and of my own accord, admitted among the Princes of the Holy Roman Empire, not so much in consideration of your noble Family, as upon account of your Personal Merit, and your X3

great Deferts towards my August House, and the Holy Roman Empire. I have been willing that this Pub! Lick Monument of the Supream Honour in Germany, which I have fo deservedly conferred upon you should remain, that it may more and more appear to all the World, how much, as I freely own it. I. and all the Empire, owe to the Most Serene Queen of Great Britain, for having fent her powerful Affiftance as far as Augsburgh and Bavaria it felt, under your Conduct, when my own affairs, and those of the Empire, were so much shaken and disorder'd. by the perfidious defection of the Bavarians to the French; and to your Grace, upon account that things have been fo prudently, fo vigoroully, and fuccessfully transacted for not only Fame, but Likewise the Generals of my Forces, the Companions and Sharers of your Labours and Victories, attribute the same chiefly to your Counsels, and the Valour and Bravery of the English, and other Forces. who fought under your Conduct. These Actions are fo great, and particularly that of Hochstet, past Ages having never feen the like Victory obtain'd over the French, that we may rejoice to fee, not only the most pernicious efforts of the Enemy repuls'd, and the Affairs of German, which were somewhat tottering, or rather those of all Europe, secured and fettled again, but likewise that it may be reasonably hop'd that the full and perfect Liberty of the Christian World shall be rescued from the Power of France, which was so imminently impending over it. Being entirely perswaded and sure, that your Grace will, without intermission, apply all your Care and Industry towards that end, there remains nothing elfe for me, but to with you a prosperous success, and that I affure you of further marks of my Gratitude upon all occasions, which I shall be ready to express.

Given in my City of Vienna, August 28, 1704.

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Numb. XV.

The Emperor's Letter to the States General.

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HE Happy, and beyond Expectation, great Success of the bloody Battle lately fought near Hochster, has spread a general Joy among all the Confederates. Wel who do not limit our Joy to our own Interest solely, take no little Satisfaction in this Thought, that when our Affairs, and those of the Empire, were, by the Practices of the Bavarian. and others, put into so tottering a Condition, that they appear'd to want your Succour, you can also rejoice, that not without good Effect, and to your Glory, you lent that Succour. And this you can do the more justly, because, as the chief Commanders of Troops relate with great Praile, the Fidelity, Bravery and Resolution of your Officers and Soldiers shone wonderfully in that Action, and were no little Weight in the Scale of Victory. Thus an Occasion being given us of congratulating you, and of returning you great Thanks, we do both most willingly, and with an Affection that Words cannot describe: And we promise, that we will at all times, in fincere Friendship and Gratitude, be ready to make suitable Returns, for the singular Kindness and Benefit we have receiv'd from you. Furthermore, we befeech Almighty God to preferve you, and your Republick, always fafe and flourishing, in prosperous Successes of your Councils and Attairs.

Given in our City of Vienna, Aug. 30. 1704.

Numb. XVI.

Marshal de Villars's Letter to the Abbot of St. Pierre.

I Understand by your last Letters, that some People, out of Compassion for unfortunate Men, Lexcuse, that 27 Battallions, and 4 Regiments of Dra-X 4

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goons, should choose to surrender Prisoners of War while our Left Wing retird almost entire. These Sentiments are very little like those of the ancient Romans, who after the Battle of Canna, when Hannibal was at their Gates, were so far from excusing their Prisoners, that they would not suffer their Soldiers, who had made their Elcape out of that Fight to come into their City. Curio, Cafar's Lieutenant, thought very differently from these Gentlemen; He who would not retire with his Cavalry: How could I appear, faid he, before Cafar, after having loft his Legions? What could they do better, fay some filly People, than to fave to the King a great number of Troops and Officers? 'Tis upon fuch Occasions as this, that one must answer with the old Horarius, Father to the 3 Champions of the Romans, in our Corneille, when he heard his Son was run away:

Ou qu'un beau desespoir alors le sessurut.

Dye on the spot, or be reliev'd by a noble Despair. Thus the Spanish Infantry at Rocroy, commanded by the Old Count de Fontaines, choice rather to Perish than beg Quarter. Ought not the Soldiers and Officers, seeking to fight their way with the Bayonnet at the Muzzle of their Guns, to have preferr'd a glorious Death to the Ignominy of Perishing with Hunger and Misery in their Prisons? I am asham'd for our Nation upon Account of so base a Surrender, and I see, with a grief that I cannot express, how short we come of the Ancient Romans, and of French that I have known.

Sign'd,

The Mareschal of Villars,

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A LIST of the Partition of the Officens, Soldiers, Horse and Dragoons, taken by the Allies, at the Battle of Hochitet.

Prince EUGENE's Share

	Bat.	Capt. I	lieut. Si	ıb Liei	at. Serg	. Sold.
MAGATE	3	32	34	37	40	1029
Ereder Greder	2	20	33	. 18	33	570 236
Aunix	2	17	15	10	36	441
Zurlanbe	2	3 24	134	H : 8	38	360
Mostro	1	8	8	6	20	297
Agenois Laffy	:	62	10	11	18	240
Bleffou	1		6	8	19	292
181	45	153	163	91	253	3665
Canoniers						88
2 Commif.	of A	rtill. 2	12:32		15 15.1	23
Cavalry	C	, O	fice rs			155
Drag. Meist. de Ca	Squa		8	1		300
Valle	garan		38	1		289
ATTENDED S	Stable of			4		
The rest	of th	e Kegu	nents			4520
Royal Artill Nice						146
0.2	4.1	231	163	91	253	4776
Captains	10 mm m					231
Lieutenant			-			163
Under Lie	utena	nts –	* -			- 91
Sergeants Soldiers, F	lorfe .	and De	goone			- 253 - 4776
ANADICI D, I	Lyline	Dia	Poor		X i i	4//5
T	otal of	Prince	EUG.	ENE	Share	5514



The Duke of MARLBOROUGH's Share.

Bat.	Capt	Licut.	Sub-Lie	eur. Serg	. Sold.
Poyal 3	32	29	22	42	980
1 Provence I	6	. 5	3	19	316
Bolonois I	. 10	9	10	20	308
St. Second I	II	13	~ · · · o	78	213
Languedoc 2	16	20	15	32	586
Artois 2	20	20	16	33	660
Rebeo 1	1.	6	~ 2	16	175
Chabrillant 3	4	. 0	_ 0	17	70
Monfort 2	15	17	15	29	419
CO. 8314	115	119	83	226	3727
Officers wou	nded	The s	62		Albust.
At Dillingen	0	60	10	0	0 0
Cavalry	o	35	00	b	D' 145
Dragoons,	Squa	d.	- more real	en e	
Ra Reine	3	50	⁷⁷ o	0	0 281
Roban	13 .	40	Ö	0	O 290
The rest of t	he Reg	iments	a Albrid	Oo sii	nudo.
Albaret .	I —	1 E 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		- T48
Bandeville	1			A SECTION OF THE	- 120
Auxeroys	1				239
0.576	300	119	83	261	4950
Captains -				185	
Lieurenants	-		-		- 119
Sub Lieutenant	S.	101	100	My My 4	83
Sergeants	A A STATE OF			Service of the servic	226
Soldiers, Cavali	ry and	Drago	ons •	- Albertan 1	4950

Total of the Duke of MARLBOROUGH'S Share, 5678. In the whole 11192, belides 3009 who have taken Service among the Allies.

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Numb. XVIII.

Numb. XVIII.

A Letter from a French General to Monsieur de Chamillard, Minister of State in France.

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III,

Strasbourg, the 30th of Aug. 1704. N.S.

SIR. THE Army marched the 12th from Dillingen and Lawingen to go and Encamp at Bleinheim, along a Rivulet which edg'd the Front of our Camp, which was faid to be Moorish, but was not so; our Right reaching to the Danube, and our Left to a Hill cover'd by a thin Wood. The Elector having Hill cover'd by a thin Wood. press'd to march forward, upon a belief that the Enemy were not join'd, Monsieur de Tallard confented to it, and relied upon People who had ferv'd a Year and half in that Country, to post himself as 'I told you. The Camp was hardly marking, when Information was brought to the Mareschal, that the Enemy appear'd on the other fide of the Rivulet, that border'd the Front of our Camp. He went that way immediately, and having caus'd some Troops to go over, the Enemy retired to their Camp. Several People press'd the Elector to march up to them, affuring him that they were not join'd. The Mareschals diffuaded him from it; representing to him, that, before they advanc'd, they ought to be throughly inform'd. In order to that, a great Detachment was made to approach them nearer; and we made some Prisoners, who assur'd us, that they were join'd: Whereupon we return'd back, and had no other thoughts than to encamp. About hve of the Clock in the Morning, the Enemy march'd, in their turn, to view us, with the great Piquet, with whom they advanc'd as far as Sweiningen, and then retired. The next day, at two of the Clock in the Morning, the Enemy beat the General, and march'd in order to attack us. We were still ignorant of their Defign at Six of the Clock in the Morning; but feeing them advance towards us in Four great Columns, we began to believe that they had a mind to fight us. We beat the General in our Camp, and foon after founded to 39

Horse: And in that Interval, the Resolution was taken how we should post our Selves. To make you comprehend it without a Plan, and at this difrance, I must refume the fituation of our Camp. Our Right reach'd to the Danube, having the Vil. lage of Bleinbeim in our front, where was Mon. figur de Tallard's Quarters; and the Village of Lut. zingen to the left of our Camp, where was the E. lector's Quarters. All the first Line of Foot of Mon. fieur de Tallard had its Right to the Danube, that it might be at hand to be posted in the Village of Bleinbeim, which was before it. That first Line was of Nineteen Battallions, on the feft of which we had posted all our first Line of Horse; so that they join'd the Horse of Monsieur Marcin. Next to this was the rest of his Army, which reach'd as far as the Hill, and of which I shall not give you the Particulars, because I was not there, having been fufficiently employ'd in our Right. The second Line was drawn up as ufual; that is to fay, the lafantry in the Center: The two Armies having Communication one with another, and making to gether 80 Battallions, and 140 Squadrons. In the Center of both our Armies there was a Hill, which Commanded all the Plain, and whose gentle declivity reach'd as far as the Rivulet that ran along the Front of our Camp; and over against that Hill was a Village call'd Onderklane, which we caus'dto be fet on Fire, as well as two Mills, that were on the Rivulet, in the way down to Bleinheim; fo that it was refolv'd to defend only the Passage of the Rivulet, and the Morals, the Generals being order'd to charge the Enemy, as they pass'd, and to take beed not to let too many of them pass. This Resolution being taken, we posted in the Village of Bleinbein the 19 Battallions of our first Line, and seven of the fecond. We plac'd there also our 4 Regiments of Dragoons, on Foot, to the Right, along the Danube; and from the Village of Bleinbeim to that of Overklame, we posted on two Lines, 48 Squadrons of Monsieur de Tallard's Army, and 32 of that of Monsieur de Marcin, and 9 Battalions in the Center; and the Brigades of Champagne and Bourbonnois to the Right of Monlieur de Marcin's Village, that might be at hand, to sustain either his Village, 01

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of the Right of his Cavalry. We placed Batteries in all the " Front, and both Armies Cannonaded Some Relac one another, till 10 or 11 a Clock in the Morning, tions Jay when the first Artack began. During this Canno Bottom: hading, Advice was brought to Monfieur de Tallard. that the Enemy march'd a great number of Infantry to the Right, but that their Defign was to atrack the Left of Monfieur de Marcin, as the weakest fide, by reason of the thin Wood, to which it reach'd. He went with speed to the Right, which the Enemy did really delign to attack, being advanc'd to pals the Rivulet, in the whole Front of the Hill I have mentioned before, where all their Horse was posted, over against the Right of Monsieur de Marcin. Monfieur de Silly, and one tof his Friends, were the who upon that Hill, and feeing that our Men were writes this drawing off our Battery, they went thither and stopt Letter. them; and feeing the English preparing themselves to attack the Village of Blenbeim, they refolved to cause the first and second Line of Horse to march, as if the Mareschal (de Tallard) had been there prefent. He rode up to them full Gallop, and made them, indeed, advance: But unfortunately the Brigades of the two Rights did only march, nor did the Gendarmerie move, which gave the Enemy time to form, without Disturbance, several Lines of Horse, in all the space of Ground whither the Troops did not march, till above Three Quarters of an hour after that first Charge. All the Men the Enemy had in the bottom of the Valley were repuls d, as well as those who happen d to be in the Way of the Gendarmerie, who march'd at last intoxicated with Conceit, upon that little advantage. We prepar'd our felves to receive the Enemy a fecond time, and neglected the great double Lines, which were forming at the Foot of that fatal Hill. Monlieur de Silly had his Horse kill'd under him, and was thinking how to get another, when his Friend, leeing the Marcschal de Tallard, join'd him, and gave him an Account of the Attack of the Village. Monsieur de Tallard resolv'd to go thither, and so the Hill was neglected, not being able to perceive what pals'd at the Foot of it. Thus they entred the Villege, and Monfieur de Tallard redoubled his Care to secure that Post. At last he went out of that Vil-

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lage, and returned to the Cavalry. As he came to the Right, the Enemy began a fresh Atrack: They advanced to the Village of Bleinbeim, to the very Muzzels of our Musquets, but were repulsid. The Gendermerie, who, with Sword in Hand, thought to have repuls'd the Enemy that were before them. were expos'd to the Fire of fome Infantry well posted, and were charg'd by some English Squadrons, which made them give Way, and drove them beyond a Rivulet they had behind them. In this Charge Messieurs de Surtaube, and d'Ime. cours had their Horses kill'd under them, and the first received Six or Seven Wounds. The Brigade of Silly, thro' the Intervals of which the Gendar. merie pas'd to rally themselves, charg'd the Eng. life, and made them repais the Rivulet with Precipitation. During this brisk Attack, the Generals of our Left, and of Monlieur de Marcin's Right. awak'd out of their Fatal Droufines; and caus'd fome Brigades to marchito the Enemy, whom they law almost advanc'd to the top of the Hill. All our Brigades charg'd briskly, and made all the Squadrons they attack'd give way; but these Squadrons being fuftain'd by feveral Lines of Horse and Foot our Men were forc'd to shrink back, and throw themselves on our Second Line, which being at some distance, gave the Enemy time to gain Ground; which they maintain'd by their Numbers, and their flow and close march. We rallied the Squadrons of our first Line, and they Charg'd again with the same Success, but were still over powered, as were also the faid Brigades, and at last the 2d Line. Monsieur de Tallard interlaced our Battallions with our Cavalry; with delign to make a last Effort, to break the double Lines of the Enemy. Our Men march'd up to them gallantly, and the Enemies first Line threw themselves on their second. We gain'd some Ground, and advanc'd to charge the Second Line; but this being fultain'd by a Third and Fourth, Our Troopers fled, and our poor Battallions were cut in pieces. We rallied still the third time that broken Cavalry, which diminish'd by the Charges, and form'd now but one Line. Things being in this Condition, Monfieur de Tallard confidered that it was high time to draw off the Dragoons and Intantry The Appendix.

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recout of the Village of Bleinheim, and refolv'd up. on it, exhorting his Cavalry to fland their Ground He fent a trufty Man to Monheur de Marcin, to defire him to face the Enemy with fome Troops on the Right of his Village, to keep them in Play, to favour the Retreat of our Infantry: But Monfieur Marcin represented to that trusty Man, that he thad too much Bufiness in the Front of his Village. sand the rest of the Line, to spare any Troops, he not being victorious, but only maintaining his Ground. During this Discourse our Horse had faced the Enemy, but on a sudden, they were order'd to wheel about, which was done with all the Diforder you may imagine. In short, this was so precipitate a Flight, that many cast themselves into the Danube, and the Enemy let loofe Three Regiments of Dragoons after them. Monfieur de Tal-'lard was invelop'd with the Run-aways, and taken 'in that Rout. Messieurs de Mauperoux, de la Valliere, Silly, Seppeville, Meffeliere, St. Pouange, Ligonde, and leveral others, were also made Prisoners. The ta-"king of Monlieur de Tallard is a great mistortune for the King: For, Itis certain, that with his Infanby he might have made a very honourable Retreat; whereas that Infantry is now the Laughingmek of Nations, and wieless to the King for along time, in a War to violent as this is. In thort, to give you an Account of all that happen'd on that Field Day, Part of our Cavalry, and all the Gendemerie, having thrown themselves towards the Danube, into a narrow Nook, which form'd a Demithand, they found themselves cut off from the rest of the Army; which forc'd many brave Men to throw themselves into the Damibe to save themleives. The News of this being brought to Grig-Brigade, which were retired more to the Left. to pals the Morals at Hochster, they rallied and march'd to the Enemy, and made them abandon the Defile in which they were; and to dilengag'd all those who were not either kill dor taken : And then forming themselves on the Height of Hochster, march'd on, facing the Enemy, which gave us time to draw off the Wounded from that Place. This was the fad Fare of a brisk and good Cavalry, which might have been used to ber-

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tel purpole; but which we give over lamenting of our Regiments of Foot. Twas Messieurs de Clerambaue and Blanzac, whit commanded the Dragoods and Infantry in the Village of Bleinbeim, and all that we learn from fome Officers, who were made Prisoners, and are come to our Camp, is; that Monfieur de Clerambaux, without taking a Resolution worthy of his Name, with a powerful Body which was yet intire, as foon as he faw the Rout of our Cavalry, caus'd his Postillion to found the Danube. and throwing himself into it, was drowned. Enemy having furrounded the Village of Blein beim by several Lines, advanc'd to streighten it. close on the left Flank, where our Right of Horle was before posted. Our Men were soon alarmed. and the Colonel of the Royal Regiment bethought himself of saving his Life; and that of his Soldiers; whom he caus'd to lay down their Arms, and furrendred himself the Colours. The Soldiers of Sm. lanbe, who were also in the left Flank, put themfelves into Disorder, and enter'd the Center of the Village in Confusion. Monsieur de Siviere being inform'd of this Disorder, call'd the Regiments of Provence and Artois, and all that were resolute, to him, and with Sword in Hand, drove the Enemy to the very Head of their Cavalry, and return'd to the Village leisurely. Monsteur de Siviere had his Wrift broken My Lord Merlberough judging rightly, that there were old Troops in that Place, the overcoming of which would cost him dear, made use of Monsieur Desnonville his Prisoner, to exhort them to accept of their Lives. Monfieur de Blanfac confented to it, and did his best to get the consent of Navarre, who buried their Colours. All yielded. Monf. de Blanfac fign'd the Articles: But Sieiers and Journy refuled to fer their Hands to it. They were all difarm'd, and had their Colours taken from them : Grief will not Suffer me to carry this Recital any further. You may well imagine what a fad Spectacle it is to let 26 Battalions, and Four Regiments of Dragoons, Prifoners. I leave that Black Idea, and return to the Village of Overklaume, the Quarters of Monfieur de Marcin. When he saw the Horse of his Right, and ours, routed, he bethought himself of retreating

with his Left, who, through the Care of Count de Bourg, had always repuls'd the Enemy, having charg'd them as they were half pass'd. He drew of all his Intantry, and march'd leifurely as far as the Morals of Hochstet, which he repass'd in good Order and came to Dillingen, where the Resolution was taken to fend all the Horse to Ulm, by Goldenfingen, and to cause all the Baggage to pass the Danube all the Night. In the Morning we drew off all the Infantry, and came to encamp at Lipent, leaving 1000 Men at Lawingen, with Orders to retreat as foon as the Enemy should approach, and to burn the Bridge, which was done: And marching fince with Precipitation, we bring to the King the poor Remains of an Army griev'd to Death, and which is no otherwise Guilty, than through the Nonperformance of the positive Order which had been given, not to let the Enemy pals the Rivulet; and to charge them as they pass'd, altogether, and not by Brigades; as we did, against a Body form'd, and formidable, which at last penetrated into our Center, and furrounded the Intantry, &c.

A Letter from the Adjutant of the Gendarmerie, to Monsieur de Chamillard.

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(IN Obedience to your Commands, in your Letter of the 15th, to inform you of all that happen'd among the Gendarmerie, I shall begin, in the Absence of the Major, with acquainting you with the Despair of all the Officers upon the News they receive from Paris, wherein they find that Monsieur de Silly preads injurious and malicious Reports against them. Is it possible, my Lord, that the Reputation of that Body, so well establish'd every where, by to many different Actions, can depend on the Caprice or Malice of a private Man without Experience? And is it just to believe him, if he has a mind to difgrace to many brave Men, who in the fight both of Friends and Enemies, have done all that could be expected from Men of Courage? In that unfortunate Day they did not fear to expose themselves to Death, for the Glory of the Nation, and the King's dervice; nevertheless, it is but too true, that he has made

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made People believe all that he had a mind to fay a. gainst us; so prevalent are the first Impressions! And we are told he has dared to advance, that the flight of the Gendarmerie had occasioned that of the Cavalry. All the Army knows, that we had char. ged twice before the Cavalry had approach'd the E. nemy; that we faced them till fix of the Clock in the Evening; and that 'twas in the Center, which was thin and weak, where the Enemy pierc'd thro'. This is Matter of Fact, which I'll maintain no Bo. dy will dare to contradict : Wherefore, my Lord. do not deny us on this Occasion, so very nice for us, and of fo great confequence for all, the same Privielege which is allowed to most Criminals; that is, onot to pass Judgment upon us, upon the Report ofa fingle Man, especially one so exceptionable; but be pleased to judge of us on the Testimony of seve-'ral unexceptionable Witnesses, who are Men of Experience, who can fee celarly what paffes on Days of Action; and whom Truth alone, not Envy, will make speak. You know, my Lord, we are very much envied. Witness the Battle of Spire, in which the Gendarmerie broke through the Enemy with so much Rapidity, that they thereby gave time to our Infantry to come up: Nevertheles, some had the Confidence to speak ill of them, and to represent their Valour as Temerity, and their Conduct as overcautiousnels; but you were soon inform'd of the Truth, and did us the Justice which was due to us, affoon as you knew that we march'd by Orders of the " General only; and that we had discharg'd every part of our Duty. Do us the favour, my Lord, to fearch into the bottom of this last Affair; wherein our Body, asthey were posted, could do no more than sicrifice themselves, as they did, without be ing able to fucceed in their Charges, being continu ally exposed to the Fire of a close Body of Infantry, ' fustain'd by several Ranks; and above all, posted 'in a shallow way, with Pallisadoes before it. 'Ti true, these Pallisadoes were not perceived, especial 'ly by those who speak so rashly; but they were ' feen by those who approach'd the Enemy so near as we did. I must also make bold to tell you, my Lord, that we have taken notice more than once that the Mareschal de Tallard had no kindness for

with several Compliments, on the Valour of our Officers, regretting so many gallant Men who were either kill'd or wounded. The Respect we have for him, will not suffer us nicely to inquire into our mistortune of not being in his Favour: However, out of a certain confidence which truth suggests, we cannot Imagine that he can say openly any ill thing against us, nor that he could charge Monsieur de sith, to cast on us the Faults of that unfortunate Day, which, out of Discretion, we will impute to no body.

The Mareschal de Tallard did not see the two first Charges we made, not being return'd to us till after those two Actions. He was gone to the left of Mareschal de Marcin's Army, and he might have seen, at his return, that the Enemy had but too much time to form before us, four Lines, one upon the other, which baffled our Efforts, and disappointed our good Intentions. We overthrew, indeed, their first Line, more than once, but it was still fuccour'd, and animated again by three others. Had we been Men that would have run away, how could we have had Fitty one Officers kill'd or wounded, tho' there were 23 of them absent: And most of the rest have had their Horses kill'd under them, as well as the great number of the Gendarmes of whom I have already had the Honour to Inform you.

Messieurs de Lainon, de Hautesort, de Magnac, and several others, may acquaint you, that we remain'd with them till Ten of the Clock at Night, on the height of Hochster; that we drew out of the Castle Monsieur de Surlaube, Monsieur de le Bahme, and that we brought up the Rear of all as far as Olm. After all this may not we hope, my Lord, that you will be pleas'd to inform the King of the Truths I have the Honour to write to you, which are most certain; and that you will thereby give some comfort to Officers, who are griev'd to Death, and driven to despair, by having their Lives less them, after they had their Honour taken from

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Numb. XIX.

The Duke of Marlborough's Letter to the States General.

High and Mighty Lords. Before I fet out from Groon Weyffenburgh, I had the Honour to acquaint your High Mightineffe with my defign of marching with a Body of Troop towards Tryers, in order to secure that City, the ber ter to lettle our Winter Quarters on the Moselle, Ha ving in the march received advice, that the French had ordered some Troops from their Camp at Ha guenau, and from the Netberlands, to advance to wards the fame place, I haftened my march as much as was possible thro'a Mountainous Country, which is in a manner defert, in order to prevent them I arrived last Night at Hermerskel, within fix League of Tryers, where three Deputies of that City can to me, and acquainted me, that the French having fill 200 Men in the Fort, they were apprehenful of some ill usage, if we did not prevent it. The advice obliged me to march this Morning, below break of day, with all the Cavalry, and four Bana lions, and about 11 of the Clock our Vanguard pearing in fight of Tryers, the French quitted t Fort, having thrown their Ammunition, and for Corn, into the Mojelle. Our Dragoons pursu'd the to the Banks of the River, and took part of the Baggage, and 10 or 12 Prisoners. They had

fooner pass'd the River, than they burnt the fly Bridge, and, in all likelihood, would have do more damage, had they had time to do it. T

rest of our Foot, with the Astillery, encamp'd Night at Nonweyler, and this day at Rensfelt, in der to join us to morrow in the Afternoon.

tend to continue here four or five days to give necessary Orders, and from hence I shall prote kill towards Traerbach to do the like, and then I shall with turn to the Camp near Landau, where I hope sten

find all things in a great forwardness, and

place in a readiness to surrender. I am &c. The Duke of Marlborou

From the Camp of Triers, October 29. 1704.

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Numb. XX.

A Lift of those who voted for the Duke of Hamilton's Refolve, Not to name the Successor till we have a previous Treaty with England for regulating our Commerce, and other Concerns with that Nation.

NOBLEMEN.

Duke of Hamilton, Duke of Athol, Marg; of Montrofe, Earl of Errol, E. of Marishal, E. of Marr, L of Eglington, E. of Hume, E. of Wigton, E. of Strathmore, E. of Kellie, E. of Galloway, E. of Northesk, E. of Aberdeen, E. of Dunmore, E. of March, E. of Roseberry, E. of Bute, Viscount of Stormont, Vil. of Duplin, Vil. of Primrose; Lord Salton, L. Semple, L. Lindores, L. Forester, L. Bargeny, L. Elibank, L. Duffus, L. Colvil, L. Kinnaird, L. Justice Clerk.

BARONS, or KNIGHTS of Shires,

Sir James Foulis of Colinton, Sir Robert Dickson of Innerask, George Lockbart of Carnwath, for the Shire of Edinburgh. Sir John Lauder of Fountainhall, Andrew Fletcher of Salton, Wm. Nisbet of Dirleton, for Haddington. Sir Robert Sinclair of Longformacus, Sir Parick Hume of Rentoun, Sir John Swinton of Swinton, for Berwick. Sir Wm. Ker of Greenhead, for Rixburgh. Mr. John Murray of Bowhil, Mr. John Pringle of Haming, or Selkirk. Alexander Horseburgh of Horseburgh, Wm. Morison of Prestongrange, for Peebles. John Sharp of Hoddam-Douglas of Dornock, Alexander Ferguson of Mi, for Drumfreis. John Stewart of Sorbie, Wm. Stewart of Castle Stewart, for Wigton. Wm, Cochron of proce Kimaronock. Sir Humphry Colquboun of Lufs, for Dumwitton. Robert Steward of Tillicultre, for Bute. John Stewart of Blackball, for Renfrew. James Graham of sucklivie, John Grahame of Kilearn, Robert Rollo of Pombouse, for Stirling. Thomas Sharp of Houstoun, for inlithgon. Sin Patrick Murray of Auchtertyre, Monge

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The Duke of Marlborou Link

From the Camp of Triers, October 29. 1704.

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A List of those who voted for the Duke of Hamilton's Resolve, Not to name the Successor till we have a previous Treaty with England for regulating our Commerce, and other Concerns with that Nation.

NOBLEMEN.

Duke of Hamilton, Duke of Athol, Marq; of Montrofe, Earl of Errol, E. of Marishal, E. of Marr, E. of Eglington, E. of Hume, E. of Wigton, E. of Strathmore, E. of Kellie, E. of Galloway, E. of Northesk, E. of Aberdeen, E. of Dunmore, E. of March, E. of Roseberry, E. of Bute, Viscount of Stormone, Vil. of Duplin, Vil. of Primrose; Lord Salton, L. Semple, L. Lindores, L. Forester, L. Bargeny, L. Elibank, L. Duffus, L. Colvil, L. Kinnaird, L. Justice Clerk.

BARONS, or KNIGHTS of Shires.

Sir James Foulis of Colinton, Sir Robert Dickson of Imerask, George Lockbart of Carnwath, for the Shire of Edinburgh. Sir John Lauder of Fountainhall, Andrew Fletcher of Salton, Wm. Nisbet of Dirleton, for Haddington. Sir Robert Sinclair of Longformacus, Sir Patick Hume of Rentoun, Sir John Swinton of Swinton, or Berwick. Sir Wm. Ker of Greenhead, tor Rixburgh. Mr. John Murray of Bowhil, Mr. John Pringle of Haming, or Selkirk. Alexander Horseburgh of Horseburgh, Wm. Morison of Prestongrange, for Peebles. John Sharp of Hoddam ____ Douglas of Dornock, Alexander Ferguson of Mi, for Drumfreis. John Stewart of Sorbie, Wm. Stewart of Castle Stewart, for Wigton. Wm, Cochron of Kimaronock. Sir Humphry Colquboun of Luss, for Dumwitton. Robert Steward of Villicultre, for Bute. John Stewart of Blackhali, for Renfrew. James Graham of Sucklivie, John Grahame of Kilearn, Robert Rollo of Pombouse, for Stirling. Thomas Sharp of Houstoun, for inlithoom. Sir Patrick Murray of Auchtertyre, Monge

Graham of Grothie, John Hudden of Gleniagies, John Murray of Strowan, for Perth. Sit Thomas Burnet of Leves. Sir James Faulconer of Phesdo, for Kincardin John Udney of Wdney, James More of Stonywood, Win Seton of Pitmedden, Jun. John Gordon of Pitlurg, for Aberdeen. Ludovic Grant of Grant, Alexander Grant Jun. of Grant, for Inverness. Hugh Ross of Kilraveck. John Forbes of Coloden, for Narin. David Beathun of Balfour, Major Balfour of Dunbogne, for Fife. Mr. Patrick Lyon of Auchterhouse, David Graham of Fintrie. James Carnagie of Finhaven, James Halyburton of Pitcur, for Forfar, Alexander Duff of Bracco, James Ogilvie, Jun. of Boyne, for Bamf. Alexander Gordon. of Garty, for Sutherland. Sir George Sinclair of Ch. the, James Sinclair of Stemfter, for Caithness. Sit Henry Innes, Jun. of Innes, for Elgin. John Bruce of Kinrofs, for Kinrofs.

BURGESSES.

Alexander Robertson, for Perth. John Allardice, for Aberdeen. John Watson of Aithernie, for Linlithgon. George Easton. for Dysert. James Oswald, for Kirkaldy. Fames Scot of Logie, for Montrofe. Sir John Anstru. ther, for Anstruther-Easter. Robert Johnstoun, for Drumfries. Alexander Duff of Drumure, for Inverness. Sir John Erskine of Alva, for Bruntisland. Francis Mob. son, for Brechen. William Coltrain, for Wigton. Sit James Halket, for Dumfermling: George Smith of Gibliston, for Pittenweem. Robert Scot, for Selkirk. Robort Kellie, for Dumbar. John Hutchinson, for Aber. brothock. William Sutherland, for Elgin. Robert Scheil, for Peebles. George Mencrieff of Sauchop, for Crail. Folin Clarke, Jun. of Pennicook, for Whithorn. Lyon, for Forfair. Dougal Stuart, for Rothefay. Fohn Ross, for Nairn. George Brodie of Aslisk, for Fortes, Sir Robert Anstruther, for Anstruther Wester. Sir David Cunningham, for Lauder. John Carruthers, for Lochmaban. William Alves, for Sangubar. George Hume of Whitefield, for New Galloway. James Bethun of Balfour, for Kilreny. John Bain of Meldrum, for Dingwall. John Urqubart of Meldrum, for Dornoch. Rebert Frazier, for Wick. Robert Douglas, for Kirkwall. Alexander Arbuthnet, for Inverbervie. George Dalrymple, for Strantamer-

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Those who voted against the Resolve, were,

NOBLEMEN.

D. of Argyle. M. of Tweddale, M. of Lothian, M. of Annandale, E. of Crawford, E. of Southerland, E. of Rothes, E. of Bucan, E. of Glencairn, E. of Roxburgh, E. of Haddington, E. of Lauderdale, E. of Loudon, E. of Dalhouse, E. of Leven, E. of Selkirk, E. of Balcarras, E. of Forfar, E. of Kintore, E. of Mclvill, E. of Rutherglen, E. of Marchmont, E. of Seassield, E. of Hyndsbord. E. of Cromerty, E. of Stair, E. of Hoptown, Vis. of Teviot, L. Forbes, L. Ross, L. Torphichen, L. Belhaven, L. Bellenden, L. Register, L. Advocate.

BARONS, or KNIGHTS of Shires.

Sir Robert Dundass of Arniston, for the Shire of Edinburgh. John Cockburn, Jun. of Ormistown, for Haddingeon. Sir John Hume of Blacader, for Berwick. Sir Gilbert Elliot of Headshaw, Wm. Bennet of Grubet, Archbald Douglas of Cavers, for Roxburgh. Wm. Baillie of Lamington, Geo. Baillie of Jerviswood, John Sinclair, Jun. of Stevenson, for Lanerk. Sir John Johnstone of Westerhall, for Drumfreis. Francis Montgemerie of Giffen, for Air. Sir John Houstoun of Hounstoun, Rob. Rollock of Pollock, for Renfrew. Sir Fames Campbel of Auchinbrake, James Campbel, Jun. of Arkinlas, John Campbel of Mamore, for Argile. Sir Wm. Anstrucher. of Anstruther. Robert Douglas of Stranrie, for Fife: William Maxwell of Cardinnis, for the Stewartry of Kirkubright. David Sutherland, Jun. of Kinnald, for Sutherland. James Brodie of Brodie, for Eglin. Sir Archibal Stuart of Burray, for the Stewartry of Orkney.

BURGESSES.

Sir Pat. Johnstone, Rob. Inglis, for Edinburgh. John Scrimzeor, for Dundee. Col. John Areskine, for Stirling. Wat. Stewart of Pardovan, for Linlithgrow. Hugh Montgomerie, for Glasgow. John Mint, for Air. Alexander Edgar, for Haddington. ... Bruce of Bunzeon, for Couper. James Spitle of Leuchans, for Inverkeichin. Wat. Scot for Jeburgh. Sir Andrew Hume, for Kirkud-

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Kirkudbright. Sir James Smollet, for Drumbritton. Colin Campbel of Woodside, for Renfrew. Will. Carmichael, for Lanerk. Captain Donald Maccleod, sor Tayn. Sir Day. Darymple, for Culross. Sir Alex. Ogilvie of Forgland, for Bamford. Geo. Spence, for Rutherglen. Sir Hugh Dalrymple, for North Berwick. Pat. Ogilvie, for Cullen. Geo. Allardice of Allardice, sor Kintore. Wm. Johnstone, for Annan. Sir Wm. Hamilton of Whitelaw, for Queensserry. Daniel Campbel, for Inverary. Robert Forbes of Lerny, for Inverury. Mr. Charles Campbel, for Cambleton.

Numb. XXI.

Whitehall, August 14.

An Express arrived here last Night from on Board Her Majesty's Fleet, being dispatched by the Right Honourable Sir George Rooke, Vice-Admiral of England, and Admiral of Her Majesty's Fleet, with an Account of the taking of Gibraltar; the Particulars whereof follow.

THE 17th of July, the Fleet being then about 7 Leagues to the Eastward of Tetuan, a Coun-' cil of War was held on Board the Royal Catherine, wherein it was resolved to make a sudden Attempt, upon Gibraltar; and accordingly the Fleet sailed ' thither, and the 21st got into that Bay, and at 3 a 'Clock in the Afternoon the Marines, English and Dutch, to the number of 1800, with the Prince of 'Hesse at the Head of them, were put on Shoar on the Neck of the Land to the Northward of the 'Town, to cut off any Communication with the 'Country. His Highness having posted his Men there, fent a Summons to the Governor to furrender the Place for the Service of his Catholick Maje-'fly; which he rejecting with great Obllinacy, the Admiral on the 22d in the Morning gave Orders, That the Ships which had been appointed to Cannonade the Town, under the Command of Rear-Admiral Bing, and Rear Admiral Vander Duffen, as also those which were to batter the South Mole-head, commanded by Captain Hicks of the Tarmouth, should range themselves accordingly; but the Wind · blow: lin

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blowing contrary, they could not possibly get into their Places till the Day was spent: In the mean time, to amule the Enemy, Captain Whitaker was fent in with some Boats, who burnt a French Privateer of 12 Guns at the Old Mole. The 23d foon after break of Day, the Ships being all placed, the Admiral gave the Signal for beginning the Cannonade, which was performed with very great Fury. above 1 5000 Shot being made in 5 or 6 hours time 'against the Town, infomuch, that the Enemy were foon beat from their Guns, especially at the South Molehead; whereupon the Admiral confidering that by gaining that Fortification, they should of consequence reduce the Town, order'd Captain Whitaker, with all the Boats armed, to endeavour to possess himself of it, which was performed with great Expedition; but Captain Hicks, and Captain Jumper, who lay next the Mole, had pushed on shoar with their Pinnaces, and some other Boats, before the rest could come up; whereupon the Enemy forung a Mine that blew up the Fortifications upon the Mole, killed Two Lieutenants, and about Forw Men, and wounded about Sixty: However, our Men kept possession of the great Platform, which they had made themselves Masters of, and Captain Whitaker landing with the rest of the Seamen which had been order'd upon this Service, they advanced, and took a Redoubt, or small Bastion, half way between the Mole and the Town, and posfelfed themselves of many of the Enemy's Cannon. 'The Admiral then fent in a Letter to the Governor. and at the same time a Meliage to the Prince of Hesse, to send him a peremptory Summons, which his Highness did accordingly; and on the 24th in the Morning the Governor defiring to capitulate, Holtages were exchanged; and the Capitulation being concluded, the Prince marched into the 'Town in the Evening, and took possession of the 'Land and North Mole Gates, and the Outworks. The Articles are in Substance as follow.

I. That the Garrison, Officers and Soldiers, may depart with their Necessary Arms and Baggage, and the Officers, and other Gentlemen of the Town, may also carry their Hor-

tes

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Ses with them; They may likewise have what Boats they shall have occasion for.

II. That they may take out of the Garrison 3 Pieces of Brass Cannon of different Weight, with 12 Charges of Powder and Ball.

HI. That they may take Provisions of Bread, Wine

and Flesh, for fix days March.

IV. That none of the Officers Baggage be Search'd, altho' it be carried out in Chefts or Trunks. That the Garrison depart in three days, and such of their Necessaries as they cannot carry out with Conveniency, may remain in the Garrison, and be afterwards sent for; and that they shall have the Liberty to make use of some Carts.

V. That such Inhabitants, and Soldiers, and Officers of the Town, as are willing to remain there, shall have the same Privileges they enjoyed in the time of Charles the Second, and their Religion and Tribunals shall remain untouch'd, upon Condition, That they take an Oath of Fidelity to King Charles the Third, as their Lawful King and Master.

VI. That they shall discover all their Magazines of Powder, and other Ammunition, or Provisions and Arms,

that may be in the City.

VII. That all the French, and Subjects of the French King, are excluded from any part of these Capitulations, and all their Effects shall remain at our Disposal, and their Persons Prisoners of War.

This Town is extreamly strong, and had 100 Guns mounted, all facing the Sea, and the two narrow Passes to the Land, and was well supplied with Ammunition. The Officers, who have viewed the Fortifications, assimpt, There never was such an Attack as the Seamen made, for that Fifty Men might have desended those Works against Thousands.

Numb: XXII.

A List of the English Men of War (as dispos'd in Line of Battle) that were in the Streights under the Command of Sir Geo. Rook.

Frigats and Fireships.	Ships.	Commanders.	MenGu	ns Din
10	Somerfet Effex	Captain Price	500	807
tion 400 toll	Tribon	Hubbard	440	70
So Guns	Triton	Trevor	230	50
	Dorfetshire	Whittaker	500	80
	Ranelagh C	Geo. Bing, Efq; J. Cole	535	80 >
Vulture Fireship	Torbay	Caldwell	500	80
	Centurion	Herne	280	50
	Kingston	Acton	365	60
	Le Firme	Wilde	440	70
	Grafton	Sir Andrew Lake	e 440	707
Lark 40	Nassau	Dove	The state of the s	
Newport 24	Mountague	Cleavelan	d 365	79
	St. George	Jennings	680	
Phoenix } Fireships		Sir Geo. Rook,		-
Jeffrys, Holpital	Eagle (rine	Lord Hamilton	730	
Hare 2	Monmouth	Baker		70
Hare Bomb.	Panther	Bertie	440	70
Wm. & Mary Yacht	Shrewsbury		280	50
minico mary I acid	onewsbury	Crow	500	ر 80
	Bedford	Sir Tho. Hard	y 440	707
110	Swallow	Haddock	280	50
	Guffolk	Kitton	2 50	
Tartar 32	Royal Oak	Elwis	500	
Lightning Fireship.	Kent 7	Tho. Dilks, Efq; Harma	n 400	
. B	Cambridge	Leftock		
	Monk	Mills	500	
a late of the second second		Culliford	365	
THE REPORT OF DE	Leopard Burtord	Rofly	280	
And 216	phitord	Kolly	440	70
Lieutenanti, and	Warspight	Loads	440	707
	Nottingham	Whittak	er . 365	60
	Affurance	Hancock	440	
Roebuck 40	Orford	Norris	440	
Vulcan ? n. G.		Sir Cl. Shovei. Stuart	710	
Vulcan & Fireships.	Namur	Mings	680	96
Princess Ann Hospital.	Swiftfure	Winn	4-	
- Inches Island Iso-Pitan	Tilbury	Delavall	280	
1	Lenox	Jumper	440	-
	Newayle	Clark		
The state of the s	Newark		500	
Contract	Antelope	Legg	280	50
Garland 50	Boyne	Lord Du	111y 500	
Firebrand Fireship.	Pr. George	Sir John Leake, Mart	in, 700	90
OF THE WALL TO	Berwick	Fairfax		
00 4 3	Norfolk	Knapp	500	
	Tiger	Cavendi	h 280	50
	Yarmouth	Hicks	440	
	Ham. Court	Wager		

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The Ships that were employ'd in Battering Gibraltar, were these following;

Ships.	Commanders.	Men	Guns
Dutch	Captain Scryen	400	72
Catwick	Okkers	320	60
Emelia	Beckman	325	64
Velue	P. B. Vander Duffer	400	66
Utrecht	Bolk	325	60
Frisia	Middagter	325	64
English.	78.907	2-7	
Monmouth	Baker		
Suffolk	Kirton		
Effex	Hubbard		
Ranelagh	George Bing, Esq;		
Grafton	Sir Andrew Lake		
Nottingham	Whittaker		
Mountague	Cleaveland		
Kingfton	Acton	September	
Naffau	Dove	Salat A	111111
Swiftfure	Winn	abe Free	
Berwick	Fairfax		
Eagle	Lord Hamilton		
Burford	Roffy		
Lenox	Jumper Hicks		
Yarmouth	Ticks		
	The state of the s		

In the Taking of Gibraltar we had 60 Men kill'd, of which 2 Lieutenants, and 1 Master. And 216 wounded, of which 1 Captain, 7 Lieutenants, and 1 Boatswain.

Numb. XXIII.

A List of the French Men of War that were in the Sea Engagement, with the Names of their Commanders, and their respective Divisions.

Vanguard, or the White and Blue Division:

Ships.	Captains.	Guns.	Men.
L' Esclatant	M. de Belle Fontaine	66	730
L'Ifle	De Mons	62	380
Le S. Philippe, V. A.	D' Infreville	90	700
L' Heureux	Colbert St. Mar	70	450
Le Ruby	De Beneville	56	130
in Charles			Are

Cours Africa	The Appendix.	.aniti	
Ships.	Captains.	Guns.	Men.
L' Arrogant	Derherbierf	62	350
Le Marquis	De Patoniet	60	350
Le Content	De Ste Maure	70	450
Le Fier, Adm.	De Vilette	88	800
L' Intrepide	Du Caffe	84	600
L' Excellent	De la Roche Alar	62	350
Le Sage	De Montbaut	. 54	330
L'Ecueil	D' Argint	62	380
Le Magnifique, C.	A. De Bel-Ifle	86	600
Le Monarque .i.	Chabert	84	600
La Perle	Le Mothure	54	300
7.00g = 7.00g		1120	7700

Body of the Battle, or Center, the White Division.

Ships.	Captains.	Guns	Men.
Le Fusieux	Le Comte de Blinacq	60	350
Le Vermandois	De Beruine	63	350
Le Lis	Le Chevalier de Villa	rs 88	600
L' Etonnant, V. A.	Coetlogon	90	700
L' Orgueilleux	Du Palais	88	600
L' Esperance	De Lagnion	50	330 .
Le Serieux	Champmelin	58	380
Le Fleuron	De Grancey	56	350
Le Vainqueur	Le Bailly de Lorrain	e 88	600
Le Foudroyant, Ad.	M.leComtede Teulou	Ze104	950
Le Terrible	De Relingue	104	900
L'Entreprenant	De Hautefort	60	350
La Fortune	De Baigneux	58	350
Le Parfait	LeM.deChareaumora	and 74	470
Le Magnanime, C. A.		84	600
Le Sceptre	Le Comte de Bailly	88	600
Le Fendant	De la Luzerne	58	350
8 8	M There is this	1271	8300
Rear Rear	, or Blue Division.	C	1 3 3
Ships.	Captains.	Guns	Men.
La Zelande	Ferville	60	350
Le St. Louis,	De Beaujeu	60	380
L' Admirable, C. A.	De Cepeville	. 92	675
La Couronne	De Champigni	88	
Le Cheval Marin	De Pontacq	4+	260

	The Appendix.		
Ships.	Captains.	Guns	Men.
Le Diamant	Dorogne	58	350
Le Gaillard	Du Mont	54	330
L' Invincible	Roverois	70	450
Le Soleil Royal, A	d. De Langeron	102	850
L' Ardent Le Trident	D' Aligre De Modeine	66	400
Le Coureur	Phelipeaux	60	350
Le More	De St. Clair		380
Le Toulouzé	Du Quene Mon.	52	330
	. A. De la Harteloire	92	750
Le St. Esprit	Du Queine Gui.	72	490
Le Henry	Servigni	66	400
7 13			
-30r.	FRIGATS.	1152	7625
L' Etoile	Goufon	4. 2030	190
L' Etoile L' Hercule]	Rouvré	20	170
L'Andromede	Chamilli	8	85
La Diligence	Malmet	6	60
La Meduze	Roquemadere	28	150
L' Oifeau	Figuiera	36	180
La Galatée La Sibille	Degorti	11	120
T' Stoffie	Guittofin	10	70
ch. s. · F	IRE-SHIPS.	e diesi	0
L' Enflammé	Canvet	6	40
Le Dangereux	Du Gay	6	50
Le Turquoise	De Soutier	8	45
Le Croissant	Gabaret	12	
Le Bienvenu	Rochambart		
L' Aigle-volante	Kervilly	6	
L Biter	Canvine	6	
Le Violeur Le Lion	Renoix	10	7,
De Lion	Marquifat		50
est vivali	FLUTES.		

Total. Guns in the Line 3533, Men 24155. Besides the above mention'd Men of War, Frigats, Fireships and Flutes, there were 12 French, and 11 Spanish, Gallies, in all 92 Sail.

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Numb. XXIV.

Windsor, September 14.

This Day Captain Trevor, Commander of Her Majesty's Ship the Triton, arrived here, being sent
Express by Sir George Rooke from the Fleet,
to give Her Majesty an Account of the Victory
obtained over the French Fleet, after the sharpest
Engagement that, perhaps, ever was seen. He
brought Letters to his Royal Highness, dated on
Board the Royal Catherine, off of Cape St.
Vincent, Aug. 27. O. S. 1704, which contains
the following Account.

ON the 9th Instant returning from Watering our Ships on the Coast of Barbary to Gibraltar, with little Wind Easterly, our Scouts to the Windward made the Signals of seeing the Enemy's Fleet, which, according to the Account they gave, consisted of 66 Sail, and were about 10 Leagues to Windward of us: A Council of Flag Officers was call'd, wherein it was determined to lay to the Eastward of Gibraltar to receive and engage them; and our Fleet were strengthened with 1000 Marines, which were in Garrison at Gibraltar; but perceiving that Night, by the Report of their Signal Guns, that they wrought from us, we followed them in the Morning with all the Sail we could make.

On the 11th we forced one of the Enemy's Ships ashore near Fingerole; the Crew quitted her, set her on Fire, and she blew up immediately. We continued still pursuing them; and the 12th, not hearing any of their Guns all Night, nor seeing any of their Scouts in the Morning, our Admiral had a Jealousse they might make a Double, and, by the help of their Gallies, slip between us and the Shore to the Westward; so that a Council of War was called, wherein it was resolved. That in case we did not see the Enemy before Night, we should

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make the best of our way to Gibraltar; but standing in to the Shore about Noon, we discovered the Enemy's Fleet and Gallies to the Westward, near Malaga, going away large: We immediately made all the Sail we could after them, and continued the

Chace all Night.

On Sunday the 12th in the Morning we were with. in three Leagues of the Enemy, who brought to with their Heads to the Southward; the Wind being Easterly, formed their Line, and lay to receive us. Their Line confisted of 52 Ships, and 24 Gallies: They were very strong in the Center, and weaker in the Front and Rear, to supply which most of the Gallies were divided into those Quarters: In the Cendron; In the Van the White and Blue, and in the Rear the Blue; each Admiral had his Vice and Rear-Admirals. Our Line confifted of 72 Ships; but the Admiral ordered the Swallow and Panther, with the Lark and Newport, and two Fireships, to lie to the Windward of us, that in cale the Enemy's Van should push through our Line with their Gallies and Fireships, they might have given them some Diversion,

We bore down upon the Enemy in order of Battle till a little after to a Clock, when being about half Gun-shot from them, they fet all their Sails at once, and feemed to intend to streech a head, and weather us; so that our Admiral was obliged to put the Signal out, and begin the Battle, which was continued with very great Fury on both fides; but about two in the Afternoon the Enemy's Van gave way to ours, which was commanded by Sir Cloudesley Shavell, and led by Sir John Leake; as their Rear did to the Durch towards Night; but their Body being very strong, and several of the Ships of the Admiral's Real Admiral Binge's, and Rear-Admiral Dilkes's Division being forced to go out of the Line for want of Shot, the Battle fell very heavy on the Admiral's, own Ship, the St. George, and the Shrewsbury: This want of Shot was occasioned by our Expence at Gibraltar; and though every Ship was Jupplied to 25 Rounds two days before the Battel, which was judg'd fufficient, and would have been fo, if we could have got to near the Enemy as the Admiral intended; yet every

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every Ship that was on that Service wanted Ammuni-

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The Battle ended with the Day, when the Enemy went away, by the help of their Gallies, to the Leeward. In the Night the Wind shifted to the Northward, and in the Morning to the Westward, which gave the Enemy the Wind of us: We lay by all Day within 3 Leagues of one another, repairing our Defects, and at Night they filed, and stood to the Northward.

On the 15th in the Morning the Enemy was got 4 or 5 Leagues to the Windward of us; but a little before Noon we had a Breeze of Wind Easterly, with which we bore down on them till 4-a-Clock Afternoon: It being too late to engage, we brought to, and lay by with our Heads to the Northward all

Night.

On the 16th in the Morning, the Wind being still Easterly, hazy Weather, and having no sight of the Enemy, or their Scouts, we filed, and bore away to the Westward, supposing they would have gone away for Cadiz; but being advised from Gibraltar, and the Coast of Barbary, that they did not pass the Streights, we conclude they have been so severely treated, as to oblige them to return to Thoulon, which may prevent any Attempt upon Gibraltar this Winter, or the sending any Succours into Cadiz, the insulting the Coast of Portugal, and constrain them to a Winter passage to West France, if they intend any of their Ships thither this Year.

We have not yet the particulars of the Enemy's Loss. The Marquis de Villadarias marching with his Army to Besiege Gibraltar, sent a Letter to the Prince of Heffe, Governor of that Place, That the French had burnt 8 of our Ships, taken 16, funk 7 and he allows the French have loft 4 Men of War and one Galley, and that the Count de Thoulouse is wounded. During the Action we saw two of the Enemy's Gallies fink, and many of their Ships so disabled, that they were towed off by their Gallies, and we have reason to believe several of them perished; whereas there was not one of Her Majesty's Ships lost, and the Dutch lost only one call'd the Albemarle of 64 Guns, which blew up by accident the 16th in the Atternoon, after we had lost fight of the Enemy. We lost be-Z lides,

sides, of the English 695 Men kill'd, and had 1663 wounded, 150 of the latter on Board the Admiral's own Ship, which, for several Hours, receiv'd the Fire of the French Admiral of 110 Guns, and of his two Seconds of 100 Guns each. We had also two Captains kill'd, and three wounded: Of the Dutch, Captain Liinslager was kill'd, and they had 400 Men kill'd and wounded.

This Battle is so much the more glorious to Her Majesty's Arms, because the Enemy had a Superiority of Six hundred great Guns; a Detachment having been made from our Fleet a sew days before of Admiral Vanderdussen with Six Dutch Men of War, and 4 of her Majesty's Ships sent to the Terceras; the Enemy had likewise the advantage of cleaner Ships, being lately come out of Port; and of being better provided with Ammunition, of which we had spent so great a Store in the taking and surnishing of Gibraltar; not to mention the use of their Gallies in Towing on, or off, their great Ships; but all these Disadvantages were surmounted by the Bravery and good Conduct of our Officers, and the undaunted Courage of our Seamen.

The Admiral having left 2000 English Marines in Gibraltar, with a sufficient quantity of Stores and Provisions, and 48 great Guns, besides 100 that were in the Town before; the Season of the Year being sar advanced, will return home with the great Ships, leaving behind him a strong Squadron for the Desence of the Coast of Portugal, which will likewise be in a readiness to Succour Gibraltar, it there should

be occasion.

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The Appendix: 55 A Lift of Officers and Men Slain and Wounded in the Battel, August 13. 1704.

	Officers. Men.		n.	
SHIPS Names.	Slain.	Wounded.	Slain. W	Tounded.
RoyalCatherine St. George Namure Shrewsbury	Lieut. Jennings Carpenter. 3d Lieut. and Boatswain	Capt. Mynge	27 45 18 31	94 93 44 73
Nassau Grafton Monmouth Montague Panther	Sir Andr. Leake 1st Lieutenant	Boatswain Capt. Baker	15 31 27 15	26 66 62 34 16
2-1 5-2 4 77			2.19	508
Barfleur		3d &5thLieuts. & Chaplain.	6	24
Eagle Orford Afferance Warspight Swiftsure Nottingham Tilbury Lenox	rft Lieutenant	3d Lieutenant Ift & 2d Lieuts. Capt. Jumper	7 6 6 17 13 7 20	57 9 14 44 33 19 25 78
140100			105	303
Prince George Boyne	EVAL SE	2d Lieutenant Lieut. Edisbury Mr. & Boatsw.	15	57 52
Newarke Norfolk Yarmouth Berwick	table to Ti	The Master &	15 15 7 23	32 20 26 24
		Boatswain	89	211
				-
Ranelagh Somerfet Firme Tryton Dorfetshire Torbay Essex Kingston Centurion	Captain Cow.	rst Lieutenant 3d Lieutenant Boatswain, Gunner&Cook	12 21 13 14	45 62 48 20 50 36 46
2			155	136

36	The Appendix.	
Kent Royal Oake Swallow	15	
Cambridge Bedford	Lieut. Leftock 11 2d Lieutenant 12	
Monck	Capt. Mishells 2d Lieurenant 36 8t Boarfwain	52
Suffolk	Capt. Kirkton, 13 182 d& 3dLieu. Mr. & Boarfw.	38
Barford	The state of the s	19
of the state of th	119	249
Admiral's Div. 6 Sir Clo Sprvel's Sir John Leake's Rear Ad. Binge's Rear Ad. Dill's	É 219 7 109 7 89 5 119	303 211 361
25 . 2 . A recommon medical rec 2 2 % regarding	4 althouse	
The state of the s	69	1663
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	To	otal 2758

Numb. XXV.

A Relation of the Sea-Fight near Malaga on the 24th of August, 1704. N. S. as it was writ from on Board the French Fleet.

THE 22d Instant, being at Anchor before Velez-Malaga, whither we were come to Water, our Scouts made a Signal of seeing the Enemy's Fleet. It was then pass three of the Clock in the Asternoon, and there was so little Wind, that every one judged the Enemy could not come up with us that day; and had we weigh'd Anchor, the Tide, which in that Place is very strong, would have brought our Line into Disorder: So all we did, was immediately to send for the Men we had on the Shore, and to order the 24 French and Spanish Gallies that were with us, to place themselves near so many Ships, which they were

57

were to tow a little before day light a League out to Sea, and then to come back for the rest and tow them likewise into their Places, that when the Enemy came, they might find us in a Line of Battle. At Night there sprung up a small Gale of Wind from the

The 23d, by break of Day, we weighed Anchor: The Current, which there runs very strong to the Eastward, had carried away the Enemy's Fleet in the Night, so that we had lost sight of them. We went away large in search of them, and about 10 in the Morning our Headmost Ships gave a Signal that they made the Enemy's Fleet, which we saw soon after at a great distance to the Windward. We spent the rest of that Day in preparing for the Engagement, and in making our Line, as well as the little

Wind we had would permit.

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The 24th, by break of Day, we discovered the Enemy about three Leagues a-Head of us, and bearing towards our Fleet. We were then about 10 or 11 Leagues South of Malaga. Their Fleet confifted of three Squadrons: That which bears the White Flag with a Red Crofs, was Commanded by Admiral Shovel; and was in their Van. The Second Squadron, which carry'd the Union Flag in their Main-Top, was Commanded by Admiral Rooke, and was plac'd in their Centre: And the Third, confifting of all the Dutch Ships, under Admiral Callemberg, as we are told, was in their Rear. We told Seventy four Sail, of which there were 56 that came into the Line; and there were others at a distance, which appear'd to be large Ships, that join'd them during the Fight; so that, according to the Report of several Persons, their Line consisted of 60 Sail; in which number were very few small Ships. Fleet confifted liftewife of three Squadrons, White and Blue, which was in the Van, Commanded by the Marquis de Vilette; the White Squadron, Commanded by the Count de Touloufe, in the Centre; and the Blue Squadron, under the Command of the Marquis de Langeron, in the Rear: As for the Galleys, the Marquils de Roye was in the Centre with four of them, the Duke de Tursis in the Van with his Seven, and five other Spanish Galleys; and Monheur de Fourville in the Rear, with Eight French Z 3 Galleys.

Being thus dispos'd, we sailed with a Quarter-Wind with our Top-sails up, to the end we might the more easily preserve our Line, and order our Motions as should be judged convenient, with regard to the working of the Enemy. We perceiv'd that their Van bore down upon ours, and was alrea-

dy at a great distance from their Centre.

The Marquiss de Vilette thinking he might get ahead of that Squadron with his foremost Ships, made a Signal to the Headmost Ships of our Line, to croud all the Sail they could, and Admiral Shovel still bearing down upon us, infentibly found himself in our Line a-head of us, at some distance from their Centre; we judged this to be a favourable Opportunity, and resolved to make our Advantage of it, by keeping our Wind, and crowding all the Sail we were able in the Centre, in order to cut off the Enemy's Van from the rest of their Fleet, hoping that if it grew Calm, which usually happens in a Sea-Fight, our Gallies might tow us so as that we might make a Double, and weather them, and fire upon them on both fides, which would infallibly have happen'd, could we have put this Defign in Execution. But Admiral Shevel having discovered our Intentions, immediately clapped upon a Wind, and the Admiral of the Enemy's Fleet forefeeing what would be the Consequence of it, gave the Signal for Engaging, and bore down upon us with the Headmost Ships of his Line, which accordingly began the Fight. It was then to of the Clock: The whole Line began to Fire; our Ship being in the Centre, I can only give an Account of what passed there up on my own Knowledge, and as for what relates to the Van and Rear, I have been obliged to rely upon the Report of the Officers employ it in those Divisions; and our Firing rais'd fo thick a Smoak, that fometimes we could hardly differn the Ships that were a head and a-stern of us. The firing was very brisk on every fide, and the Marquis de Villete had undoubtedly gained a confiderable Advantage over the Enemy's Van, lince, as is faid, 5 of their Ships had already quitted the Line, if a Bomb had not fallen upon his Poop, and blown it up, fetting his Ship on fire, which was in danger of blowing up, had he not bore away out of the Line to repair his Defects,

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and prevent this Misfortune. The fame thing happened to Monsieur de Belle Isle's Ship, which was set on fire by a Bomb, and thereby obliged to bear away; he himself was killed a little before. As to the Centre, there happened a thing which, perhaps, was never known in a Fight where a whole Line has been engaged, and where the Enemy has the Weather Gage, which is, that a Ship in the Van of our Admiral's Division, Commanded by Monsieur de Champmelin, thrice boarded one of the Enemy's Ships which lay next him, and left her the third time, feeing her on Fire in leveral Places; but by reason of the great Smoke he could not tell what became of her. He was atterwards so disabled in the hottest of the Engagement, that he was obliged to quit the Line, in order to refit; as was also soon after the Chevalier de Grancey, whose Ship had received abundance of Shot in her Hull, and was wholly difabled.

The Fight was also very sharp in the Rear; and they believe they faw, from on Board several Ships of that Division, one of the Ships sink with which they were engaged. Monsieur de Rouvre, who was one of Monsieur de Langeron's Seconds, having after two Hours Fight, received so many shot that the Water pour'd into his Ship, was obliged to go out of the Line to stop his Leaks. Monsieur de Roche-Alard the Elder, who with his Ship of 60 Guns engaged Admiral Shovell's of 90 Guns, was also oblig'd to quit the Line, his Ship having received many Shot, and being totally Difabled; the Chevalier d' Ofmont, and Monsieur de Poulett, who Commanded but small Ships, and were engaged with others which were much larger, were forced to follow his Example. We also saw many of the Enemy's Ships which retir'd out of the Battle, but we generally kept our Line; and upon the whole matter it was the Enemy that defir'd to give over, and to bear off, keeping the Wind as much as was possible. The Bailist of Lorrain, who was one of our Admiral's Seconds, always kept his Post a head of him, and did all that could be expected from a very Brave Man, until he was kill'd : and Monsieur Grandpre, who after his Death took upon him the Command of that Ship, must have that Justice done him to say, That we did not miss the Bailiff, his Ship performing still all that could be defir'd. Monfieur de Relingue, our Admiral's other Second, who fought a-stern of him, did likewise answer all the Expectations that could be had from one who is known to be fo good an Of. her as he is; he had his Leg that of after he had foughtabout two Hours; and Monfieur de Roche-Alard the Younger, who after this Accident commanded that Ship, did also maintain his Post so well, made so great a Fire, and did it with so much Judgment, that there was no want of any thing whereby we might discover that Monsieur de Relingue was wound-The Battle ended in the Van between Four and Five in the Afternoon; in the Centre at near Seven; and in the Rear the Enemy kept still firing after Night was come on, but it was at fuch a distance, that their Shot could hardly reach us. There cannot too much be faid in praise of the Officers of the Admiral's own Ship, and of the Guards de la Marine, who both shewed all the Valour and the Sedateness that could be defired. Should one attempt to fay all that is to be faid in the Commendation of every Officer in the Fleet, there would never be an end of it, all having behaved themselves like Men of Courage and Resolution. All that troubles us, is the great Number of braye Men we have loft in this Occasion; but a Battle like this, can never happen without the loss of abundance of gallant Men.

We continued the Night after the Engagement within Cannon Shot of one another; all the Ships in our Fleet carried their Lanthorns out, but of the Enemy, the Flags only had any Lights a board.

The 25th. in the Morning, the Wind being changed and chopped about to the Westward, the Two Fleets formed each their Line a new, having been put into Disorder by the Currents, the Calm, and the Darkness of the Night. The Fleets were then about a League asunder, and in this Posture steered along the Spanish Coast, each having occasion to repair their Defects; in the doing of which, all that Day was employed. It seemed to us, that the Enemy were very willing to get insensibly to a farther Distance from us, and in effect they managed it so, as that when Night came on they were 3 Leagues from us. Then they turned their Heads towards

the Barbary Coast; as for us, we still continued our Course towards the Coast of Spain till Midnight, and then tacked about towards the Coast of Barbary, in order to meet our disabled Ships, which could not keep up with us, and to the Windward of the Enemy. By the means of having thus altered our Course. we found our felves next Morning pretty near one another, but the Wind came about again to the East. and then the Enemy being about 4 Leagues to Windward of us, had a fair opportunity of renewing the Fight, if they had thought fit; but they did not appear to have any Inclination to it. They kept us Company all Day, without approaching any nearer. In the Night, the Wind being still at East, we kept on our Courle, making towards the Spanish Coast. whither we were willing to carry our Gallies, which were in a Sea very hazardous for Veffels of that built, and to put off, from the Barbary Coast, fearing we should have been carried too near to it by the dangerous Currents which drive to the Landward. It is probable the Enemy made use of that Wind to get back to the Streights, for we have not heard of them fince; and tho' leveral Frigats have been lent out to observe them, we have not yet been able to discover what Course they steered; but if they went off towards the Streights, they have left us in Policition of the Field of Battle, and do thereby contess, That they do not defire to have any more to do with us, unless they have a greater Superiority,

Malaga, where they came upon us, and where we expect to hear from them, and design, in the mean time, to take in Water. I had forgot to mention, That about 2-a-Clock two Frigats advanced towards our Admiral, which were taken to be Fireships, that were endeavouring to come up to us by the Favour of a very great Fire which Admiral Rooke, and his Second, made upon him, but they were two Bomb Ketches that fired several Bombs at him, as was observ'd from the Frigats which we had on each Wing, for we could not so well discern it by reason of the

great Fire.

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The Enemy had all the Advantages on their side that they could desire, the Superiority in Number of Ships, the Wind of the King's Navy, which conti-

nued to blow fresh during the whole Fight, and the Sea agitated enough to prevent our receiving, from the Gallies, all the Affiftance that was to be Expected from the good Disposition of those on Board them; notwithstanding all which they did Tow two Ships in our Rear, which were fallen much to the Leeward, and brought them again into the Lines And they ought greatly to be prais'd, for having with fo much Resolution continued as they did, in a Sea so dangerous as this is, especially since our having lost Gibraltar.

We have been affured, That they funk one of the Enemy's Ships in the Van; if so, the Enemy must

have loft two.

A LIST of the Officers, and Persons of Note. who were Kill'd or Wounded in the Engagement .

KILLED.

Monsieur de Belle Iste, a Flag Officer. The Bailly de Lorraine.
The Chevalier de Lanion, Captain of a Man of War.
The Chevalier Philipeaux, Dead, fince the Fight,
Monsieur des Jumeaux, of their Wounds.
La Roche Vezancay.
- de Talon, Commiffery.
de Boulain Villiers, one of the Count de Tou-
de Brodeau, Captain of a Frigat.
T su, Adjutant.
de Schut, Lieutenant of a Man of War.
de Raouser, Master of the same Ship.
- de Fricambant.
- de Imblenam, Enfign of a Man of War.
de Martel.
Monfieur de Brinon. Dest of their Wounds
de Morillac. Dead of their Wounds.
The Count de Chateaurenard.
Monlieur Dacis, Adjutant of the Artillery:
Two of the Count de Toulouse's Pages.
Monsieur Bartesy, one of the Bailly of Lorrain's Gen-
tlemen.
WOUNDED

The Count de Relingur, Lieutenant-General. Monfieur & Caffe, a Plag Officer, dangeroufly wounded. The Count de Septville Monfigue

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Monsieur d'Arbault, Intendant General. The Chevalier de Cominge, dangerously wounded. Monsieur des Noes Chanmelin. -de Valineour, the Count de Toulouse's Secretary. -de Gabaret, Exempt of the Spanish Guards, very dangeroufly wounded. The Marquiss de Chatcaurenaud, very dangerously wounded. The Chevalier de Montgon. Monsieur des Trans. Monsieur des Blotieres . Both very dangeroufly ___de Sommern. -de Sommern.
-de Tercevile, Major. Both very dar The Chevalier de Roche-Alard. Monfieur de St. Maur. -de Binel. -de Couresdolo. -de Voluire. -de Balincourt. —de Cafaro. -de Falconnieres, Commissary. -de Sainte Hermine. -de Villeoroy, Captain of a Frigat, dangerously wounded. —de Vienne de Bousserole. -Le Clerc du Canal. -de Canebot. —du Marché Fallieze, Lieutenant. -Michaut. —de Han. -de Belleville de la Proutieze. -de Ville. -de Septem. -de St. Lazara, dangerously wounded. Polastron. -de Girenton. ___ Darcy, dangerously wounded. —de Caleville. ___d' Arcussias d'Esparon. -de Roção. -de Garis. -de Biache, dangeroully wounded. —de Freville. —de Ligourdes. Sisserie Brigadeck ——de Castellat-Lombard, ——de Beauford. ——d Erville. ____Dalmans. ____de Boisouche Morelle, Captain of a Fire-ship. ____de Bailleul. de Caux, de Bremoifeaun

77	The Appendix.
00	HEAT (INC.)
S	de Bremoisteaux.
	de l'Etendue.
	- de Nolite, very much wounded.
	de Guittard, much wounded.
	Monfieur des Ronnières.
	Dache. Mary the state of the same of the s
	Dasbartaes.
	The Chevalier de Bodinos,
	Monsieur Latolay.
	de Becheron.
in the same	de Baiffe.
1. 1. 1. 1.	- de Peltrem.
	Darmilliers.
	du Menil, dangerously wounded,
	- Descoulases.
	des Liguieres.
	de Montgiron
	de Bonvalle, dangerously wounded,
	de Kirin.
	- de Meffon. V. c
	Four of Count de Thoulouse's Pages.
	- whrone and the single of a fright dancerously .
	Guards of Marine KILLED.
	and the state of t
	Monsieur Vincent, Brigadeer.
6	- Choupillart,
	d Ecreaninolphia, was walker an-
	— Guillé.
	Drumaiz.
	de Pargue Deform
	la Roche Codogen.
	Braffim.
	du Brueuil.
	The Chevalier de Lanion,
	Monnieur Biemon.
	Champagne. S. ID J. H. D. C.
	Martiaville.
L	- de Caudray.
	- Sainte Hermine.
4.4	
	WOUNDED
	and the second second
	Monsieur de Peraes, Brigadeer.
	La Grenadiere, Sub Brigadeer.
	Bouchart des Pallessions, fince dead.
)	Don Pedro de Lezo,
/	Monsieur du Quenel.
	Lambert. 10 ningal Movelle Manne of the
	- Moulart,
1	de Preville
	There is a second of

great an Affection I have for you, you will therefore easily believe that I am very deeply concern'd for your Loss in the Baily of Lorraine, who fell like an old Roman. Poor Man! a Cannon Ball taking of part of his Belly, and his Bowels falling out, he gather'd them up with his own Hands, and put them in again; and observing his Officers and Seamen extreamly troubled to see him in that Condition; he told them, He did not want their Pity; and bid them keep every one to his Post, and redouble their Fire; Soon after he had said this, he expir'ds Believe me, I weep like a Child while I am descri

bing to you the manner of his Death: I have done my felf the Honour to fend the King the same Account of it I do to you; for the Memory of a Man of such uncommon Worth, cannot be too much honour'd. I am griev'd for poor Monsieur le Grand, to whom I desire you to shew my Letter, after he has receiv'd this cruel News from other Hands; for I am loath he should have it first from mine.

Our Count perform'd Wonders, and is ador'd by the Seamen. He receiv'd a flight Hurt on the fide of his Head by a Splinter, and had part of his Neckcloath torn off by another, four of his Pages were kill'd or maim'd by his fide. Gabarer was kill'd. Valincourt wounded, the Brother of Defination kill'd, the Chevalier de Commings wounded. A great number of Guards Marine were kill'd or wounded. The Count took his Snuff, and stood perfectly unconcern'd. One Grandchamp, who belongs to the King of Spain, and who was different by me to the Count, and was upon the Deck by him all the while the Fight lasted, related to me yesterday what I do my self the Honour to write to you.

Numb. XXVI.

Sir Cloudesly Shovell's Letter, dated from on Board the Barsleur, near the Cape. August 28. 1704.

are on our way Homeward: That which fends us home so soon is, a very sharp Engagement with the French; our number of Ships that Fought in the Line of Battle were pretty equal, I think they were 49, and ours 53, but Sir George Rooke referv'd 2 or 3 of the 50 Gun ships, to observe if they attempted any thing with their Gallies, of which they had 24. Their Ships did so far exceed in bigness, I judge they had 17 Three Deck Ships, and we had but 7. The Battle began on Sunday the 13th Instant, soon after 10 in the Morning, and in the Center and Rear of the Fleet it continued till

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till Night parted; but in the Van of the Fleet, where I Commanded, and led by Sir John Leake, we having the Weather Gage, gave me an opportunity of coming as near as I pleas'd; which was within Pistol shot, before I fir'd a Gun, thro' which means, and by God's affiltance, the Enemy declin'd us, and were upon the Run in less than 4 Hours, by which time we had but little Wind, and their Gallies tow'd off their lame Ships, and others, as they pleas'd; for the Admiral of the White and Blue, with whom we fought, had 7 Gallies tended on him. As foon as the Enemy got out of reach of our Guns, and the Battle continuing pretty hot aftern, and some of our Ships in the Admiral's Squadron towed out of the Line, which I understood afterwards was for want of Shot, I ordered all the Ships of my Division to slack all their Sails, to close the Line in the Centre; this Working had that good effect, that several of the Enemy's Ships a-stern which had kept their Line, having their I opfails and Fore fails fer, shot up a-breast of us, as the Rear Admiral of the White and Blue, and some of his Divilion; and the Vice Admiral of the White, and some of his Division; but they were so warmly receiv'd before they got a Broad-fide, that with 'their Boats a head, and their Sprit sails set, they tow'd from us without giving us the opportunity of firing at them.

'The Shipsthat suffer'd most in my Division were, the Lenox, Warspight, Tilbury and Swiftsure, the 'rest escap'd pretty well, and I the best of all, tho' I never took greater pains in all my Life to have been foundly beaten; for I fet all my Sails, and towed with a Boats a-Head, to get a Long fide with ' the Admiral of the White and Blue; but he out-' failing me shun'd Fighting, and lay a Long-side of the little Ships; Notwithstanding the Engagement was very tharp, and I think the like between two Fleets never has been in any time. There is hardly a Ship that must not shift one Mast, and · lome mult thirt all, a great many have fuffer'd much, but none more than Sir George Rooke, and · Capt. Jennings in the Monk. God lend us well . Home: I believe we have not three foere Top: Malts, nor three Fishes in the Fleet, and I judge

there

there is ten Jury Top Masts now up. After the Fight we lay two days in fight of the Enemy, preparing for a second Engagement, but the Enemy declin'd, and stood from us in the Night. I am of Opinion the Enemy would have given way in the Center before Night, had not several of our Ships tow'd out of the Line of Battle for want of Shot, and the Dutch were in the Rear with little Ships (the Admiral carrying but 64 Guns) they fought very well, but had not weight enough to make the Enemy give way. We did not lose one Ship, nor can I say the Enemy lost any. Of our Captains, Sir Andrew Lake and Cow, were kill'd, and Mings, Kirton, Jumper, and Baker were wounded, but are like to do well: Of the Lieutenants, Capt. Jenning's Son and Leftock's youngest Son, and some others, kill'd. Amongst the wounded are Edisbury, my 2d. and 5th Lieutenants, but like to do well. Mr. Cary tells me there is about 3000 kill'd and wounded,300 of which are Dutch. Two days after the Engagement, the Dutch Admiral's Ship, by an unknown Accident, blew up, only 9 Men fav'd: They loft none in the Fight. 'Tis Reported in Spain, that the Enemy had 4 Ships and Gallies funk.

Yours &c.

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Gibraltar, August the 22d.

Honest Ned. EVery one here are endeavouring to send their Friends an Account of the late Fight we have had, in which I can pretend to give you nothing more material than what you will receive by other Hands; However, because it may be more acceptable from me, than what is publickly related of it, I fend you the following Particulars.

'Having Intelligence that the French Fleet were near us, and being confirm'd in that Opinion by the Chasing one of their Scouts a shoar, which was burnt, (the appear'd to be a Ship of 60 Guns) it was refolv'd to fight them, notwithstanding the great Detachment that had been made from our Fleer just before; and the terrible Account given us of the Enemy, by a Spanish Bark, who told us they were 70 Sail, besides 30 Gallies and Fire-Thips: But these were Rogues who pretended they were

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were coming to sell Provisions to our Fleet, when the plain case was, they only missook us for the French, and were come but as Spies; however, the respect we are sain to shew the Spaniards, oblig d us to take their words, much against my Inclination, who was on Board of her.

On the 12th Instant about Noon, we discover'd the French Fleet, when every thing was put in order to Engage them. 'Tis impossible to express the univerfal chearfulness our Men shew'd when they found they should Fight, and on Board our Ship they were as merry and chearful in the midst of the Engagement, as tho' they had been at one of their Chatham Landladies, joking with one another, and making remarks upon the French Ship we were Engag'd with, which we had maul'd curledly, and, in my Opinion, Count Thouloufe never carried the Ship far; I am fure, if they had got the advantage to have chas'd us, we thou'd have been forc'd to have funk 4 or 5 of ours, that we could never have carried off; therefore the Confequence makes it plain. (behdes their being generally more damag'd than we') that they loft several Ships during the Chase.

On the 12th we came up with the French in the Morning betimes, and about to were at it Pell-Mell, and I believe never any thing was so fierce and eager on both lides, as it was for three hours, at which time Sir Cloudesly Shovel, who had the Van, broke thro the Van of the French, who bore away, and would never stand him afterwards. Thouldife had got most of their best Ships in the Centre, where the Dispute was sharpest; and He, and Sir George Rook, pass'd the usual Compliments upon one another all day long; and tho' he had two Hundred Gun Ships to his Seconds, he had enough or the buliness, and made several Motions to be gone; in the end, Sir George handled him fo handsomly, that he was forc'd to be tow'd off by two Gallies; Admiral Dilks, with his Squadron, bore out of the Line, which, at first, gave us some Umbrage of his being difordered (which hapned only by his wanting Shot to maintain the Fight any longer) but by this time the Dutch had broke the Rear of the French, which restor'd and clear'd all again. The Durch, on their Parts, fought like The Appendix.

Devils, and were continually pelting the French;
They were, for the most part, less Ships than those they Engaged, yet they gave the Enemy their Belly-full, and made them glad to Sheer away: I spoke with one of a Dutch Crew, belonging to a

Ship call'd, The Princes Emilia, and he said a French Gally sunk along their side, and that a French Ship sunk her self to hinder her being taken, when they had hemm'd her in among them. I don't know how you Christen this Battle at home, but we call

it here a Victory, in that we had Honour to Chase them all the next day, and dare 'em to Engagement again, which we cou'd not, by any manner of Obligation, bring 'em to. Nay, they had the

'Obligation, bring 'em to. Nay, they had the 'Weather Gage, and a fresh Gale to have poured down upon us; but no Engagement was sufficient to draw them to fight us again; which must

be an Argument, (considering the advantage they had of being both bigger Ships, and better Mann'd, clean Ships, and had Gallies to Tow them off and on) that they were sufficiently Bang'd the Day before, and durst not trust Fortune any more, for

fear of being totally ruin'd; for if the French lost no Ship in the Battle, and had the opportunity of being remann'd out of the Gallies, (as many of 'em were during the dispute) and the advantage of

ours being weakly Mann'd, and interior in number to 'em. Count Thoulouse may go Home and tell the French King, that he had an opportunity

to have destroy'd the Confederate Fleet, if it had not been for sear of being beaten himself; as certainly, if they had not been dismally handled the

day before, or had believ'd they had got any advantage of us, they would have attempted, and in all likelihood might have perform'd it too; but

the truth is, Ned, they were confoundedly brush'd, and durst as well be Hang'd, as trust us any more.
Two Ships there were certainly sink of 'em and

Two Ships there were certainly funk of 'em, and '2 Gallies in the Fight; and others, I hear, wou'd hardly hang together, especially one Ship that

we had engag'd, which we could easily have carried off, had she not been Succour'd by two large

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Ships, that came pouring their Broadfides upon us, and oblig'd us to keep our Station. I believe, in

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the Van, Commanded by Sir Cloudesty, where we fought, it was, for three hours, the sharpest and Bloodiest Encounter that ever happend; we lost our Mizen Mast and Fore-Yard, and had all our Rigging cut to pieces; but for the Ship that fought us first, she had nothing but the Splinter of a Mast flanding, and had hardly a whole stick in her side; but the that undertook us next was one of the Bigeft in the French Line of Battle, who paid us off, tho' I think the got little by us. I told you I had a Splinter in my Head, at which shot there was two or three wounded besides my self; it was fomething troublesome till I had been drelt, and Twas a Devilish then I came upon Deck again. Fatigueing day, and when we had done, I flept 'like a Pig; we had i3 Men kill'd, and 36 wounded. Sir George Rooke has got abundance of Reputation by this Engagement, both by his prudent 'Conduct in ordering the Fleet, and by his Honourable Acquitment to Count Thoulouse, who he forc'd to be tow'd out of the Line. 'Man cou'd behave himself with more Gallantry, nor shew a greater earnestness to Engage, than all our Captains say he did; and, indeed, I never faw a Fleet better ordered, nor Battle better fought 'in my Life. And now, Ned, having (I suppose) fufficiently tir'd your patience, and my felt with 'Writing, I take leave to conclude (with my Service to all my Friends) Dear Ned, Your ever oblig'd and faithful Friend.

Numb. XXVII.

An Abstract of the Bill, Entituled, An Act for Preventing Occasional Conformity; As it passed the House of Commons, the Fourteenth Day of December, 1704.

Whereas an Indulgence to Consciences truly scrupulous, is agreeable to the Christian Religion, and particularly to the Doctrine of the Church of England; and therefore an Act passed in the First Year of the Reign of the late King William and Queen Mary, of Glorious Memory, Entituled, An Act for exempting their Majesty's Protestant

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I Subjects differenting from the Church of England, from the Penalties of tertain Laws; which Act ought inviolably to be observed: Yet, forasmuch as it is Enacted, by an Act made in the Thirteenth Year of the Reign of the late King Charles the Second. Enrituled, An Act for the Well Governing and Requlating of Corporations; and also by another Act made in the 25th Year of the Reign of the faid King Charles the Second, Entituled, An Act for preventing Dangers which may happen from Popish Recusants; That the Bersons to be admitted into the Offices and Employments therein mentioned, should receive the Sacrament of the Lord's Supper according to the Rites and Usage of the Church of England, by which Acts it was manifestly intended, That such Perfors should be, and continue Conformable to the Church of England, as it is by Law established: And forasmuch as the said Acts have been most notoriously and scandalously eluded by many Disfenters from the Church of England, who have received the Sacrament of the Lord's Supper, in order only to have, or retain fuch Offices and Employments as aforesaid, and to evade the Penalties of the faid Laws; and have afterwards withdrawn themselves from the Communion of the Church of England, and reforted Conventicles or Meetings, for the Exercise of Religion in other Manner, than according to the Liturgy and Practice of the

For the preventing therefore such scandalous and irreligious Practices for the surure, and the evil Con-

lequences thereof,

Church of England.

Be it Enacted, &c. That if any Persons, after the 25th of March 1705. So. See the first Enacting Clause of this Bill, (Number VII. of the Appendix of the 2d Volume of these Annals,) which is exactly the same with this.

And, Be it further Enacted, That every Person convicted in any Action, to be brought as aforesaid, or upon any Information, Presentment, or Indicament, in any of Her Majesty's Courts at Westmin-ster, or at the Assizes, shall be disabled from thence-forth to hold such Offices, or Employments, or to receive any Profit or Advantage by reason of them, or of any Grant, as aforesaid, and shall be adjudg-

The Appendix:

ed incapable to bear any Office or Employment whatfoever, within the Kingdom of England.

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Provided always, And be it further Enacted, That if any Persons who shall have been Convicted, as asoresaid, and thereby made incapable to hold any Office or Employment, or receive any Profit or Advantage by reason of them, or of any Grant as aforesaid, shall, after such Conviction, Conform to the Church of England, for the space of One Year, without having been present at any Conventicle, Assembly, or Meeting as aforesaid, and receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of England, at least Three times in the Year, every such Person or Persons shall be capable of the Grant of any of the Offices or Employments asoresaid.

Provided also, And be it further Enacted, That every such Person so convicted, and afterwards Conforming in manner as aforesaid, shall at the next Term after his Admillion into any luch Office or Employment, make Oath in Writing, in some one of Her Majelty's Courts at Westminster, in publick and open Court, or at the next Quarter Sessions for that County or Place where he shall reside, between the Hours of Nine and Twelve in the Forenoon, That he hath Conformed to the Church of England for the space of one Year before such his Admittion, without having been present at any Conventicle, Assembly or Meeting, as aforefaid, and that he has received the Sacrament of the Lord's Supper at least Three times in the Year; which Oath Ihall be there Enrolled and kept upon Record.

Provided, That no Person shall suffer any Punishment for any Offence committed against this Act, unless Oath be made of any such Offence before some Judge or Justice of the Peace (who is hereby Empowered and required to take the said Oath) within Ten Days after the said Offence committed, and unless the said Offender be Prosecuted for the same within Three Months after the said Offence committed, nor shall any Person be Convicted for any such Offence, unless upon the Oaths of two credible Witnesses at the least-

Provided always, That this Act, or any thing therein contained, or any Offence against the

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fame, shall not extend or be judged to take away, or make void any Office of Inheritance; nevertheless so as fuch Person having or enjoying any such Office of Inheritance, do or shall substitute and appoint his sufficient Deputy (which such Officer is hereby empowered from time to time to make or change, any former Law or Usage to the contrary notwithstanding) to exercise the said Office, until such time as the Person having such Office shall Conform as aforefaid.

First Additional Claufe-

Provided always, * And be it hereby further Enacted. That no Protestant Diffenter who shall make Oath in Writing, in some one of Her Majesty's Courts at Westminster, or at the Quarter Sessions in the County where he relides, between the Hours of Nine and Twelve in the Forenoon, that he cannot in good Conscience conform to the Liturgy, and receive the Sacrament of the Lord's Supper, according to the Ulage of the Church of England, shall be compelled or compellable to take, serve, hold, or bear any Office or Place whatfoever, for the taking ferving, or holding whereof he cannot be duly Qualified by Law, without receiving the Holy Sacrament, according to the Usage of the Church of England, any Statute, Law, Usage, or other thing to the contrary notwithstanding.

+ Second Glaule.

Provided nevertheless, † That this Act shall not Additional extend to exempt any Freeman, or Member of any Corporation, City, Town, Borough, Cinque-Port, and its Members, or other Port-Town, from any Fine or Penalty, which by the particular Laws or Usage of that Corporation or Place, is, or may be Lawfully fet or imposed for refusing any Office or Trust relating to, or concerning the Government of the respective Corporations or Place, any thing in this Act contained to the contrary notwithstanding.

Numb. XXVIII

The Preamble to the Act for the better Enabling ber Majesty to grant the Honour and Manor of Woodflock, with the Hundred of Wootton, to the Duke of Marlborough.

Most Gracious Sovereign, whereas the eminent and unparrallel'd Services perform'd to your Majesty, and the Crown of England, by the Most

Noble

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Noble John Duke of Mariborough, are well known, not only to your Majesty, and all your Subjects, but to all Europe, who will always remember, That the Alliances which your Majesty's Royal Brother King William the Third, of Glorious Memory, had, in a little time before his Death. Contracted, by the Ministry of the said Duke of Marlborough, as his Majesty's Ambassador Extraordinary and Plenipotentiary to the States General of the United Provinces, for preserving the Liberties of Europe against the Ambition of France, were immediately after your Majesty's happy Accession to the Throne, by the said Duke, then employ'd by your Majelly in the same Character, Confirm'd and Improv'd, and others were Contracted, whereby the Confederacy, which had been distolved at the end of the last War, was Reunited in a stricter and firmer League: And that in the first Year of your Majesty's Reign the said Duke of Marlborough did so well execute the Committion and Orders which he receiv'd from your Majesty as Captain General and Commander in Chief of your Majesty's Forces. That he not only secur'd and extended the Frontiers of Holland, by taking the Towns and Fortresses of Venlo, Ruremond, Stevenswaert and Liege, but foon obliged the Enemy, (who had been at the Gates of Nimeghen) to feek shelter behind their Lines; And the next Campaign, by Taking Bon, Huy and Limburg, added all the Country between the Rhine and the Maes to the Conquelts of the preceding Year. And that in the Memorable Year 1704, when your Majelty was Generoully pleas'd to take the Refolution of Rescuing the Empire from that immediate Ruin, to which, by the Defection of the Elector of Bavaria, it was exposed, the Measures, which by your Majesty's Wildom and Goodness, had been Devised and Concerted, were pursued by the said Duke with the utmost Dilegence, Secresy and good Conduct, in leading the Forces of your Majesty, and your Allies, by a long and difficult March, to the Banks of the Danube, where the said Duke, immediately upon his Arrival, did attack and force the Bavarians (allifted by the French) in their strong Intrenchments at Schellenberg, passed the Danube, distressed the Country of Bavaria, and a 2d time fought the Enemies, Aa 4

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who had been reinforc'd by a Royal Army of the French King's best Troops, Commanded by a Mares. chal of France; and on the 2d day of August, 1704. after a Bloody Battle at or near Bleinheim (altho' the Enemies had the Advantage of Number and Situation) did gain as Absolute and Glorious a Victory, as is Recorded in the History of any Age; by which Bavaria being entirely reduced, Ratisbon, Ausburg, Ulm, Memmingen, and other Imperial Towns recover'd, the Liberty of the Diet, and the Peace of the Empire was restored, and Landau, Treves and Traerbach being taken, the War is carried into the Dominions of France. And forasmuch as the happy Atchievments of the faid Duke, having apparently tended not only to the Honour and Safety of your Majesty, and your Subjects, and of their Posterity, but also towards the future Tranquility of Europe; your Majesty's most Dutiful and Loyal Subjects, the Commons of England in Parliament Assembled, thought themselves obliged, in an humble Address to your Majesty, not only to express their great Sense of the said Glorious Victories, but also humbly to desire your Majesty, that you would be Graciously pleased to consider of some proper Means, to perpetuate the Memory of fuch fignal Services: And your Majesty having been thereupon pleased to fignify your Intentions, to grant the Interest of the Crown, in the Honour and Mannor of Woodstock, and the Hundred of Wootton, to the said Duke and his Heirs; your Majesty's said Dutiful and Loyal Subjects, the Commons of England in Parliament Assembled, duly considering the Good and Prudent Provisions made by your Majesty, by an Act of Parliament in the first Year of your Reign for preserving the Inheritance of several Revenues of the Crown, and believing, that the Settlement of the faid Honour, Mannor, and Hundred on the said Duke, and his Heirs, can make no Precedent for Cases, where there is, or shall be less Merit, do most Humbly, Cheerfully and Unanimously, befeech your Majesty, That it may be Enacted, &c.

The

The Answer to

Mr. B--- Speech.

In Relation to the

Conformity BILL and TACK.

IN A

LETTER to a FRIEND.

SIR,

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Have receiv'd the favour of your Letter, in which you tell me strange News indeed: For after all the Noise that has been so long against the Tackers, insomuch that most of them thought their safest way was to deny it in their several Countries; yet now they seem to take Heart again, and Mr. B—, who you say is lately come down, undertakes to justify all that Proceeding. The Arguments he makesuse of, you tell me, are these.

In the first place, he says, The Practice of Occasional Conformity is such a scandalous Hypocristy, as is no way to be excused upon any Pretence what soever. That it is Condemn'd even by the better fort of Diffenters themfelves. That the employing Persons of a different Religion from that establish'd by Law, has never been practised by any wife Government, and is not allow'd even in Holland at this day. That the Sacramental Test was appointed by the Wisdom of the Legislature, to preserve the Establish'd Church; which Church Seems in as much Danger from the Diffenters now, as it was from Papists then. That this Law being so necessary, and having been twice refused in the House of Lords, the only way to have it pass was to Tack it to a Money Bill. That it had been an Ancient Practice to Tack Bills that were for the Good of the Subject to Money Bills; that while grievous Taxes were laid upon the People for Support of the Crown, the Crown might in return pass such Laws as were for the Benefit of the People. That the great Necessity there was for the Money Bill's passing, was rather an Argument for, than against this Proceeding: For what Danger could there be that the Lords (who pretend to be such great Patriots) should rather lose the Necessary Supplies, than pass an Act so requisite for Preservation of the Church? That, however, if they could suppose them so unreasonable, the Matter was yet so bad; for it was but only Preroguing the Parliament for a few days, and the Commons might bave pass'd the Land Tax again without the Tack.

To consider these Arguments in their Order: I shall very readily own, that a Man who thinks it unlawful to receive the Sacrament according to the Manner of the Church of England, and yet does it to qualify him for an Enployment, is no way to be justify'd: And I shall grant further, that One who does go once to Church to qualify himself, and never goes afterwards, is to be Condemn'd; whether his not going afterwards be upon a Scruple of Religion, or for his having no Religion at all. But neither of these are the Persons against whom this Bill is levell'd; the Design of the Bill being against such as do sometimes go the Church, and do at other times resort to

separate Congregations.

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Now to judge how far this Practice may be lawful, we must consider the Reasons the Dissenters pretend for the Separation from the Establish'd Church.

There are some who pretend all Communion with the Church absolutely unlawful.

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There are some who do not object to Communion with the Church in general, but to some particular Parts of the Common-Prayer.

There are others, who do not pretend there is any thing in the Establish'd Way of Worship absolutely sinful or unlawful; but they think their own Way more pure and decent, and more according to God's Word.

There are others, who do not carry the Matter, quite so far as these; but having been bred up in a Way of Worship, that has nothing unlawful in it, they think they ought not to leave their Friends entirely, unless there was somewhat sinful to make them do it.

As to the First Sort, they never Communicate with the Church; such are the Quakers, and therefore are not concern'd in this Question.

As for the Second Sort, an Objection to a particular Part of our Service, cannot justify Men for not Conforming to the Church, in those Parts of our Service, to which they have no particular Objection.

And as to the two last Sorts, which are by much the most considerable, and comprehend the greatest Part of the Independents and Presbyterians; I cannot see how those Objections can justify them for never going to our Churches, tho' they may think themselves justify'd by them for going to their separate Congregations also:

That this was the Case of several of the Dissenters, is very evident from their Practice. Dr. Bates, Mr. Baxter, and some others of the most Eminent Teachers

Teachers among the Diffenters, did, after the Resto. ration, go constantly to the Parish Chhrches, stay'd all the Divine Service, receiv'd the Sacrament every Month; and did exhort and bring their Auditors to do the like, though, at the same time, they thought themselves oblig'd to keep up their separate Congre. gations too. And accordingly there are at this Day, in many Parts of England, several Congregations of Men, Women and Children, of fuch, who neither by their Circumstances, Sexes or Age, can have the least Prospect of any Office; who go sometimes to the Establish'd Church, stay all the Divine Service. receive the Sacrament; and yet at other times refort to separate Congregations. And how this. which has been fo great a Step towards a Constant Conformity, and has prov'd so in very many Families of Condition, becomes, at present, so scandalous and hypocritical a Practice, I cannot for my Life imagine.

Our Ancestors had a very different Opinion of this Matter: The Papists did Communicate with our Church, in the Beginning of Queen Elizabeth's Reign; and were so far from being charg'd with Hypocristy by any of our Church Men for it, that all Encouragement that could be, was given to them; and a Declaration against Transubstantiation, which was the Liturgy in Edward the Sixth's Time, was, to avoid Offence, lest out, and not put in again till the Restoration. The Pope, indeed; did not think it for his Interest to allow the Practice, and therefore by a Bill forbad it. And yet I hope Mr. Bwill not pretend, the Differences between the Dissenters and us are greater, than between us and the Papists; or that there is not as much Probability of making the former join with us in one common In-

tereit, as ever there was of the latter.

But this Practice, Mr. B- lays, is condemn'd by the better Sort of Dissenters themselves.

That this Practice should be condemn'd by the most violent Part of the Dissenters, I think there is no Reason to wonder at. Those who would persuad:

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fuade their Auditors, that all Communion with the Church of England is absolutely unlawful, must use their utmost Endeavours to keep their Auditors from looking into the Practice of that Church. There is somewhat so Devout, so Reverend, and so Christian, in our Forms of Worship, and particularly in that of Administring the Sacrament, that the safest way to keep People from complying with them, is to keep them from knowing what rhey are. And there have been so many considerable Families, that by an occasional Conformity at first, have been brought to a Constant Conformity at last; that it is no wonder, those who are so violent for a Separation, should be against those Methods that have brought so many to an Union. But that Mr. B. who professes himself so zealous a Friend to our Church, should call these the Better Sort of Dissenters, who are the most violent against it; and should declare to warmly against a Practice, by which the Church has gain'd fo many Profesites already, and is so likely to gain the rest, that, I confess, is to me a little Extraordinary.

But however some rigid Dissenters may disapprove the Practice of the Occasional Conformists, I make no doubt but the most violent of them would be alarm d at any thing done against it; or ever imagine, that if the Law were once alter'd to the Prejudice of those Dissenters who approach so nearly to our Church, they might not soon expect a more severe Law against those Dissenters, who are so very distant from it.

But Mr. B, you tell me, says farther, That the employing Persons of a different Religion from that established by Law, has never been practised by any wise Government; and is not allowed even in Holland at this Day.

What Governments Mr. B—— will allow to be Wise ones, I shall not take upon me to determine; but that in all Ages, and in all Countries, where there were not Persecutions for Religion, the Governments have employ'd Persons under them who were of different Religions, is so very notorious, that it

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would feem ridiculous to give particular Inflances? The Jews employ'd the Sadduces, and the Heathen employ'd the Jews: The Pagans employ'd the Chrifians, and the Christans the Pagans : In France, (which feems to be the Place fome Persons propose for the Model of their Politicks, and Church Discipline) there was an Admiral, a Lord Treasurer, and a Constable of France (not to mention several others) who were Protestants. Nay, under this present Monarch (as great a Persecutor as he has prov'd fince) the whole Army of France was entrusted in Prtoestant Hands. There is scarce a Town in Holland (whatever some have affirm'd to the contrary) where the Remonstrants, as well as the Calvinists, have not sometimes been in their publick Offices. Some of the Generals of the Army, and Governors even of their Frontier Towns, are at this very time Roman Catholicks. They do not only employ all Christians without Diftinction, but even Jems upon this Occasion; of which we had an Instance at Madrid in the late Reign, which caus'd a fort of Rupture between them and us, and that the other German Princes follow them in this, we may be convinc'd by the printed Dispute between Mr. Limborch and a Learned Jew, where there is a List of several Bews, at that very time actually employ'd at the Hague, as Publick Ministers from several of those Princes. And Queen Elizabeth employ'd Papists in her Councils, Fleets and Armies, during her whole Reign. Whether she was a wife Princess, or a Friend to the Church of England, let the World judge.

But let all this be as it will, the Matter in Question is not, whether Dissenters from the Establish'd
Church are employ'd by the Government there;
for the they are, yet there is not One employ'd,
that I know of, under Her Majesty here. But the
proper Question is, Whether it be Penal in any
one who is in Office, to go to a separate Congregation? And this is so far from being penal, that the
Calvinists and Remonstrants made no Scruple of going to one anothers Congregations, when there is any particular Occasion for it. Nor is there any
Country

Country, that I know of, except England, where the receiving the Sacrament, or any other Religious Exercise, is necessary to qualifie a Man for any Temporal Employment; so that we have gone a deal farther already, in that Matter, than any other Country has done.

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Papilts. Every body knows the Circumstances our Affairs were in, at the time when this Test Act was made. We had a Sovereign upon the Throne, who was fulpected to have a very ftrong Inclination towards Popery; and who, if the Proofs publish'd after his Death by Authority may be believ'd, was then actually a Papist. His Brother, who had then the greatest Share in the Administration, and who had the Fleet and Army in his own Hands, was a profess'd one. The Lord Treasurer, who had the Disposal of all the Publick Mony, was a Papift. The Persons employ'd in publick Trust, were such as were likely to pursue the Methods prescrib'd them by these. Secret Treaties were made with the French King; great Sums of Money received from him; and his Ambasiador was at the Head of our Assairs in England. In fine, there appear'd, upon all Occasions, an evident Disposition at Court to introduce Popery, and destroy the Liberty of the Subject; and there was a potent Foreign Prince ready at all times, to en-

But is there any Danger like this from the Dissenters at present? Has ever the most malicious Enemy but once suspected her Majesty of any Designs against the Church of England? Is there any Man employ'd in any Office under Her, who has ever been said to be a Dissenter? Have the Dissenters shown any Inclinations to invade the Church? Are they not firmly united with her in the same com-

gage in any Enterprize against the Protestant Reli-

gion, and the Civil Rights of all Europe,

common Interest? Or if there were not, Have they any Foreign Prince, either willing, or able to support them, in any Attempt against her?

Thus far I have consider'd the Reasons that are given for the Occasional Bill it self, and I must freely confess I can see none that can satisfie me of the Necessity of it. I think the Practice of Occasional Conformity, as us'd by Diffenters, so far from deferving the Title of a vile Hypocrifie, that I think it the Duty of all moderate Diffenters, upon their own Principles to do it. I think, that however it may be disapprov'd by some rigid Dissenters, it ought to be encourag'd by all good Church Men, as a likely means to bring them over. The em-ploying Persons of a different Religion from the Establish'd, has been practis'd in all Countries where Liberty of Conscience has been allow'd: That we have gone farther already in excluding Diffenters. than any other Country has done. That whatever Reasons there were to apprehend our Religion in Danger from the Papilts, when the Test Act was made, yet there does not feem the least Danger to it from the Diffenters now.

But on the other hand, I can see very plain Inconveniences from this Bill at present. As it was brought in this last time, indeed, they have added a Preamble, that tho it was put in the First Edition of the Bill, was left out in the Second, viz. That the Act for Toleration sould be always kept inviolable. But the Toleration Act being to take away all the Penalties that a Man might incur by going to a Separate Congregation, and the Occasional Bill being to lay new Penalties upon those that do it; how they can say that this is not in it felf a Violation of the other, I cannot very easily comprehend. I doubt it will put People in Mind of what passed in France, where every Edict against the Protestants began with a Proteltation, That the Edict of Nants ought to be always preserved inviolable, 'till that very Edict, in which it was, in express Words, repealed.

At a time that all Europe is engag'd in a bloody and expensive War; at a time that this Nation has not only such considerable Foreign Foes to deal with, but has a Party in her own Bowels, ready upon all Occasions to call in a Popish Pretender, and involve us all in the same, or rather worse Calamities than those from which, with so much Blood and Treafure, we have been freed: At a time that the Protestant Diffenters (however they may be in the wrong in separating from us) yet are heartily and undoubtedly united with us against the Common Foes to our Religion and Government, what Advantage those, who are in earnest for defending these things, can have, by leffening the Number of fuch as are firmly united with them in this Common Caule, I cannot for my Life imagine.

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But, notwithstanding I can see no Reason for such a Bill as this, yet I would not have it imagin'd, the Dangers of the Tack were sounded upon this Bottom only. For People may have quite a different Opinion of this Bill; they may think it convenient, they may think it, in some measure, necessary, and yet they may be against the running such a Risque, as the Tacking it to the necessary. Supply. And, to do every Body Justice, several Gentlemen who were very zealous for this Bill, did, however, appear as zealous against that dangerous Experiment of Tacking it to the other.

But Mr. B—— fays, This Bill being necessary for the Preservation of the Church, and having been twice refused by the House of Lords, the only way to secure its passing, was to Tack it to a Mony Bill.

This truly is a very compendious way of dispatching Business: It has always been thought the Excellency of our Constitution, that no new Law could be made, or old one repeal'd, without going through several Hands that were all Checks upon one another. Let the Commons be ever so much preposses'd in favour of any thing, they cannot propose it to

the Throne to pass into a Law, without Consent of the House of Lords: And let the Lords be ever so violent for any Bill, they cannot offer it to the Royal Assent, without the Concurrence of the House of Commons. And let both these Houses agree in their Opinion, yet it cannot pass into a Law, till it has had its Sanction from the Throne. These different Steps are wisely order'd by our Constitution, for fear any thing should pass into a Law by a particular Faction, by Heat of Parties, or by Inadvertency.

But this excellent Form of our Legislature is at an End, if Encouragement be given to this new manner of Tacking. As all Money Bills, however necessary for the Publick Sasety, must have their Rise and Form in the House of Commons: If this House may add to their Money Bills new Laws of quite a different Nature to the Money; and if the Lords cannot after this pass the Money Bill, without consenting to the other too, then it is the House of Commons only that has the Right of Deliberating: For what Occasion can there be for the House of Lords to consider whether a Law be reasonable before they consent to it, when it is in the Power of the House of Commons to make them consent to it, whether they think it reasonable or not.

But Mr. B—— Says, That it has been an ancient Practice to Tack Bills, that were for the good of the Subject, to Money Bills; that while heavy Taxes were laid upon the People for the good of the Crown; the Crown might, in return, grant such Laws as were for the good of the People.

Whatever Pretences may be made of the Antiquity of this Practice, yet every body knows it has been very rare, and is of a very fresh Date, and has only been when these Two Circumstances have agreed.

W C

First, When Mony was ask'd for the private Support of the Crown, and not for the general Necessiaty.

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Secondly, When some Bill had been before refus'd by the Crown, that was judg'd necessary for the good of the Subject, not by some particular Men, or by one particular House, but by both Houses of Parliament.

But in the present Case, whatever Mony was ask'd by the Queen, or granted by the Commons. was not for the private Support of the Crown, but for the general Necessity of the People. So far is Her Majesty from getting one Farthing by these Taxes, that it is very well known She has every Year, of Her own accord, contributed very largely out of Her own Private Revenue towards the War. They are given to carry on a War that is absolutely necessary for supporting the Rights and Liberties of Europe, which have been to notoriously Invaded by the French King, and to keep out a Pretender to our own Crown, who is bred up in the Religion and Principles of that Prince, and, I hope, no Man ever has, or ever will be thought fit to represent his Country in Parliament, who does not think this War neceffary for the Interest of every Subject of England; as well as of Her Majesty.

In the Second Place, this Bill is fo far from being thought for the good of the Nation by both Houses of Parliament, that one House had before, in Two fuccessive Sessions, thought fit to reject it.

In the Third Place, it both Houses had agreed to it, there is no Reason to conclude Her Majesty would have refus'd the Royal Allent, in which Case only this way of Tacking had ever been ufed.

But the this way of Tacking had been fometimes practis'd, yet it is fo far from being allow'd the Right of the Commons to do it, that the Lords have always before the Patting any fuch Bill, how agreeable soever the Matter Tack'd might be to them,

enter'd Protestations upon their Books against that manner of Proceeding. And when the House of Commons carry'd this pretended Right so far, as to offer at Tacking Clauses to Mony Bills, which the Lords did not think so reasonable to be pass'd, (tho' they never went fo far as to Tack any thing the Lords had rejected before) the Lords, to preserve the Constitution, and that there might be a lasting Caution against all such Attempts, to ingross the whole Legislature to the House of Commons at a time when there was no fuch Matter depending between the Two Houses, caus'd a Solemn Declaration to be enter'd upon their Book, and which was fign'd by the greatest part of them, that they would never after that time pass a Mony Bill with any Clauses that were Foreign to the Subject of the Bill. And after such a Declaration to publickly made, en. ter'd and fign'd, the Commons could have no De. fign in Tacking such Clauses, but only to have the Bill mifearry.

But Mr. B.— fays, That the great Necessisty there was for the Land-Tax's passing, was rather an Argument for, than against this Proceeding. For what Danger could there be, that the Lords (who pretend to be such great Patriots) should rather tose the necessary Supplies, than pass a Bill so requisite for Preservation of the Church.

How farthis Bill had been for Preservation of the Church, I have considered already. And as for the Lords being such great Patriots, I wish some Members of the House of Commons have not given their Electors too much Cause to think the Lords better Patriots than their own Representatives. But notwithstanding that, no reasonable Man can believe they could ever have pass'd this Bill so Tack d.

The House of Lords is an undoubted Part of the Legislature. This House, upon Solemn Debates before, thought this Bill not fit to be pass'd; and if the

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the m; Commons, notwithstanding that, could have forc'd them into passing this Bill, by this Method, they must never have pretended to have rejected any Bill more. We see by a Thousand Instances, that such a Right once given up is never to be retriev'd. And then they had not only parted with their Right of Debating for ever, but they had by that broken the English Constitution, and overthrown those Fundamental Rights of Legislature by which this Kingdom has flourish'd so long.

In the Second Place, they had fix'd an indelible Mark of Infamy upon their own Persons, if they had suffer'd themselves to be forc'd into the doing a thing, that upon a Solemn Deliberation they had resolved, nay, most of them had protessed, under their Hands, they would never consent to do.

But says Mr. B...., if the Lords should refuse the Bill so Tack'd, Matters were not yet so bad; for it was but only Proroguing the Parliament for a sew Days, and the Commons might have pass'd the Land Tax without the Tack.

I am very forry to see Gentlemen pursue a bad Cause, 'till they are reduc'd to such wretched Evasions as these. Tho' I think there were no sort
of Reason for Tacking this Bill, yet, if it had been
once Tack'd, there might have been several Reasons for not receding from it. How little Pretence
soever there may be for the Commons Rights of
Tacking, yet there are several worthy Members,
who would not have car'd to have given those
Pretences entirely up; which must have been the
Case, if they had departed from the Tack, after having once insisted upon it.

Tis, indeed, Ridiculous to imagine that any one Man, who had voted for the Tack, would have given it up afterwards. However, if we could suppose a House of Commons so Childish, yet there must necessarily, by Parliamentary Forms, have Bb 3

been so much Time lost, and so great Delays in all Publick Buliness, as would have been very near as fatal as the granting no Supplies at all.

The Duke of Savoy was so press'd, that nothing but a constant Supply of Money from hence, and a firm Expectation of a sudden Succour, could have made him support the Cause with that Zeal and Bravery that he did: Any Stop of his Supplies from hence, any fear of his early Succours (both which our Delays must inevitably have occasion'd) had forc'd him into a separate Peace; and then the French Army in Italy had march'd immediately into Germany, and sallen upon the Confederate Forces there.

The King of Prussia was newly and heartily enter'd into the League, and had agreed to send a considerable Body of Men to the Relief of the Duke of Savoy. But as they were first to receive Supplies from hence, what hopes could there be of their marching without their Supplies, or, indeed, of that Prince's continuing in the Consederacy, when that very Nation that had persuaded him into it, was so little likely to support him in it.

Portugal had been so soften'd by a long Peace, that there was no thoughts of their continuing the War, but by their hopes of constant Succours from hence, and by the Success we had met at Gibraltar. This Town was thought so considerable by the Spaniards, that they had exerted their utmost Force against it. What a Damp the Loss of that had put upon our Affairs, one may easily guess by the Endeavours of the Enemy to regain it? And yet the Loss of that must have been the necessary Consequence of any Stop in our Supplies at Home.

The Success of the Confederate Forces had been so great in Bavaria, that they had agreed to deliver up all their Garrisons to them: But what likelihood was there of their performing that Agreement, if they had a Prospect of a sudden Succour from Italy;

Or how should our Army have supported themselves without any hopes of Supplies from hence.

All the Confederates were then in Consultation how to carry on the War the next Year; and what Influence such a Miscarriage here would have had upon all their Proceedings, I almost tremble to think.

The French King found such Difficulties in raising Supplies for the ensuing Campaign, that he was in a manner obliged to declare himself Bankrupt. But such an Encouragement from hence as the Tack had been, would have set his Matters right again, and one such Vote from our Parliament had made him sufficient Amends for all the Prejudice our Armies had done him.

I cannot conclude this Paper better, than with the Words of Her Majesty's most Gracious Speech to the Parliament at parting.

We have, by the Blessing of God, a fair Prospect of this Great and Desirable End, (of a lasting Peace and Security) if we do not disappoint it by our own Unreasonable Humours and Animosity, the Fatal Effects of which we have so narrowly escap'd in this Session, that it ought to be a sufficient Warning against any Dangerous Experiment for the suture.

B b 4

THE

The Appointments of Edward R—1, Esq; (now E— of O—) when he was Ad—1 of the Blue, and Ad—1 of of the F—t explained, and set in a clearer View.

N the Years 1689, and 1690, he was Tr—rer of the N—y at 3000 l. per Ann. Salary, Commissioner of the Admiralty 1000 l. and Ad——l of the Blue 1277 l. 105. 0 d. and Table Money 365 l. per Ann. (though he was not at Sea.)

The whole for each Year 5642:10:0

For the two Years 11285:00:0

In the Years 1691. and 1692. he was Tr-r of the Navy 3000 L per Ann. First C-r of the A—ty 1000 l. and Ad of the Fleet 2555 1.

The whole for each Year

6555:0:0

For the two Years

13110: 0: 0

He had in the Year 1691. to make his Equipage, the Grant of 18000: 0:0 Suffolk street, which was valued at

He had in the Year 1692. to make his Equipage, a Grant out of the Underwoods of the Forest of Dean,

12000:0:0

In the Years 1694, and 1695; he er of the Nat 3000 l. per Ann. first Cof the Adty 1000 l. and -- l of the F-t 2555 1.

The whole for each Year

6555: 0:0

For the two Years

13110: 0: 0

And for his Equipage going to Sea, a Grant of the Ground Rents of the House behind the Pay-Office in Broadstreet, valued at about

10000:0:0.



For the Years 1696, and 1697. he was continued in all the aforefaid Employments, as also Aof the F-t with Table Money, tho' he was not at Sea, and Sir George Rooke's Commission as Ad- > miral and Commander of the Fleet, bore date the 28th of April, 1696. so that, for these two Years he was paid as a Supernumerary Admiral of the Fleet for each Year

2555:0:0

For the two Years

\$110:0:0

So that Mr. R-1 receiv'd for Salary and Equipage, Money from 1689. to 1697. inclusive, Eighty two thousand Six hundred and Fifteen Pounds,

82615:0:0

Belides this great Sum, Mr. R---had all the Plate given him, that was used on Board his Ship, when he carried over the Queen of Spain. He receiv'd great Presents then from the King of Spain, and greater when the English Fleet winter'd in the Mediterranean. And he made large and unwarrantable Deduction of Poundage for Slop-Cloaths, &c. from the poor Seamen; one Account whereof, laid before the House of Commons, amounted to more than

22000: 0: Q

The Sum added to what Mr.--1 receiv'd for Sallaries and Equipage makes the same, One 104615: 0: 0 hundred Four thousand Six-nundred and Fifteen Pounds.

Mr. R-l passed his Contingent Account for Nineteen thoufand Pounds by Sign Manual, the Navy Board having refus'd to pass it for want of Vouchers, and because of some Extraordinary Articles, as the bringing to account the Gratuity he gave the Person that brought him the lewel from the King of Spain, which Jewel was valued at Seven thousand Pistoles, and the Apothecaries Bill, and Fees that he gave to his Physician, that attended him during a flight Sickness at Alicant, hire of his House, Coach-hire, Expences on the Road, &c. for which particulars no Allowance was ever craved before.

19000:0:0

Mr. R—I paffed his Victualling Account in the Streights of Eighty thousand Pounds without any Vouchers, and by virtue only of a Privy-Seal.

80000:0:0

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Mr. R——I laid several Genoese Captains in Irons, till they had bought their Passes of him; besides many other great and undue Advantages that he made in the Streights.



So that the whole flands thus:

The Sum receiv'd by Mr. R---1
from 1689. to 1697, inclusive, for
Salaries, Equipage, and by Deductions of Poundage for SlopCloaths, &c. from the poor Seamen, One-hundred Four-thousand
Six hundred and Fifteen Pounds,

These two Sums together make
Two-hundred Ninety-three-thousand Six-hundred and Fisteen
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